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A MANUAL FOR TOWN CLERKS IN THE COMMONWEALTH OF MASSACHUSETTS

VOLUME 5

REGISTRARS/ELECTION COMMISSIONS
VOTER REGISTRATION
NOMINATIONS
PETITIONS

Written by; MASSACHUSETTS TOWN CLERKS ASSOCIATION

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Governmental Services, University of Massachusetts

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TOWN CLERKS IN THE
COMMONWEALTH OF
MASSACHUSETTS

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REGISTRARS/ELECTION COMMISSIONS
VOTER REGISTRATION, NOMINATIONS, PETITIONS

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June 1989

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THE DONAHUE INSTITUTE FOR GOVERNMENTAL SERVICES, *founded in 1970, is a linking agency between the University of Massachusetts and state and local government in the commonwealth. It brings academic expertise and practical experience to bear on issues affecting these state and local agencies through the provision of training, technical assistance, publications, and research.*

1863

The Donahue Institute
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University of Massachusetts

FOREWORD

Work on the manual covering a town clerk's duties with respect to elections and related subjects, originally planned as Volume 3 of the series of town clerks' manuals, was begun in the fall of 1977 with the establishment of the various subcommittees of clerks interested in participating in the manual project. Following completion of the preliminary work, the subcommittees on voting, registration, census and campaign finance suspended operation for a time while Volume 1, covering vital records, was completed and published in 1982 and Volume 2, covering a town clerk's duties other than vital records and elections, was completed and published in 1984.

In the fall of 1984, the Volume 3 manual project was reactivated and since that time, has become Volumes 3, 4, 5 and 6. Volume 3, covering a town clerk's duties related to preparing for an election, was published in June, 1986. Volume 4, covering election day itself and the work required following an election, was published in August, 1986.

While Volumes 3 and 4 were being completed, the manual subcommittees on registration, census and campaign finance again took up their work on the subjects to be included in Volume 5. However, once again, a planned volume has had to be divided into two volumes because of the vast scope of the material.

The work of the registration subcommittee in the early years of the manual project and its intensive work over the past three years, has led to the publication of Volume 5, covering boards of registrars and election commissions, voter registration, nominations and petitions.

The subcommittees on census and campaign finance have also been at work during these years and Volume 6, covering census, lists and campaign finance, is nearing completion.

Betsy M. Powers, Editor
Town Clerk, Retired, Sudbury

ACKNOWLEDGMENTS

The registration subcommittee of the town clerks' manual committee expresses its appreciation to those who have given much time and effort in making the publication of Volume 5 possible.

The cooperation of the Office of the Secretary of State should be given recognition. In particular, David E. Sullivan, Chief Legal Counsel, deserves our gratitude for the many hours he has given to the review of the text of this volume. His valuable suggestions made during the many conferences over the past three years are greatly appreciated.

The Elections Division of the Office of the Secretary of State is also thanked for providing copies of the many forms, court decisions and publications related to the subjects included. We have drawn heavily upon the Election Resource Handbook, articles prepared for the Public Recorder and the many informational and instructional memos regularly provided to town clerks.

Many town clerks, who are not members of the registration subcommittee, should be thanked for their significant contribution to this volume. They have responded most generously to our requests for assistance in providing forms and a wealth of information related to town primaries, preliminaries and caucuses.

We acknowledge the valuable assistance of the staff at the Institute for Governmental Services at the University of Massachusetts in the editing and printing of the Town Clerks' Manual.

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Virginia C. Allis, Whately
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HOW TO USE THIS MANUAL

Throughout this manual many references will be made to the General Laws and to the Acts and Resolves of the Commonwealth and to the Regulations promulgated by the state secretary covering election procedures. These citations refer to specific items and indicate where further information pertaining to that topic may be found.

In order to conserve space, the following legend will be used throughout this manual:

- The General Laws of the Commonwealth

The first number denotes the chapter of the General Laws and numbers after the colon, the section of that particular chapter. For example: [51:22,22A] means Chapter 51, sections 22 and 22A of the General Laws.

- The Acts and Resolves

The first number denotes the year in which the act was passed and the second number the chapter. For example: [1987;438] is Chapter 438 of the Acts of 1987.

- Regulations promulgated by the state secretary

The regulations promulgated by the state secretary covering election procedures are as follows:

950 CMR 52.00 (paper ballots)
950 CMR 53.00 (voting machines)
950 CMR 54.00 (electronic voting systems)
950 CMR 55.00 (certification of nomination papers and petitions)

For example: [Regs. 55.03(1)(a)] would mean state secretary's regulations pertaining to certification. The first number, 55.03 denotes the section of the regulations: the following number (1), the appropriate paragraph: and (a) the sub-paragraph where the citation will be found.

Public Access Regulations are given as full citations in the few places where they occur.

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BOARDS OF REGISTRARS AND ELECTION COMMISSIONS

I. GENERAL*

Chapter 51 Section 15 provides that every town shall have a board of registrars composed of the town clerk and three other persons. However, if a town accepts 51:16A or the town's home rule charter or special act provides for it, a board of election commissioners, commonly known as an election commission, may be established. In that case, the election commission takes the place of a board of registrars in that town.

In election law, the term *registrars* or *registrars of voters* shall mean the board of registrars of voters in a town and shall include the board of election commissioners with reference to all matters coming within the scope of their powers and duties. In addition, the term *registrar* shall, when applicable, mean a member of either a board of registrars or an election commission. [50:1]

---

* How To Use This Manual

Throughout this manual many references will be made to the General Laws and to the Acts and Resolves of the Commonwealth and to the Regulations promulgated by the state secretary covering election procedures. These citations refer to specific items and indicate where further information pertaining to that topic may be found.

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For further information on how to use this manual see page *viii.*

II. BOARD OF REGISTRARS

A. APPOINTMENT [4:12; 51:15,18,21,25]

The three members of the board of registrars, other than the town clerk, must be appointed by the selectmen. The appointment must be in writing, signed by the selectmen and filed with the town clerk.

NOTE: Under a town's home rule charter or special act, an official other than the selectmen, such as the town manager, may be responsible for making appointments to the board of registrars. If so, substitute that official for the selectmen in the following.

The following procedures apply to the appointment of members of the board:

1. Town Committees to Submit List of Names [51:15]

The appointment of each member of the board of registrars must be made from a list which has been submitted to the board of selectmen by the town committee of the major political parties. This list must contain the names of three enrolled members of the party who have been selected by a majority vote of the town committee members at a duly called meeting at which a quorum is present.

While not required by the General Laws, the selectmen in many towns send a letter early in each year to the appropriate town committee chairman requesting that the list be submitted. Some town clerks regularly remind the selectmen that the appointment must be made and include the name and party enrollment of the registrar whose term expires that year.

Some boards of selectmen regularly request a recommendation from the town clerk relative to appointments. If such a request is made after the list has been submitted and you choose to make a recommendation, you must recommend one of the persons whose name appears on the list. Usually, a town clerk will recommend the incumbent member of the board if his name appears on the list, unless there are substantial reasons not to make such a recommendation.

In some towns, it is difficult to find persons enrolled in a party willing to serve as registrars and the town clerk must search for someone. In that case, the town clerk should forward the name(s) to the chairman of the appropriate town committee and the committee should then vote to submit the name(s) to the selectmen for appointment unless the town committee chairman has already failed to submit a list within 45 days after notice.

2. Failure to Submit Names [51:15]

If the chairman of the town committee fails to submit the list as required by 51:15, the selectmen must notify him of the need for it. The notice must be in writing and sent by certified mail. If the list is not received within 45 days after notice, the selectmen then may appoint a member of the board without reference to such list.

3. Appointment Deadline [51:15]

The appointment of a member of the board may be made in February or March of each year but not later than March 31st.

4. Term of Office [51:15,21]

Each year, one registrar must be appointed for a term of three years which begins on April 1st. [51:15] A registrar serves until his successor is appointed and qualified. [51:21] In this context, the term *qualified* means that the registrar has taken the oath of office. (see II. E. OATH on page 5)

5. Vacancies [51:15,18]

Vacancies in the board of registrars must be filled by the board of selectmen using the same procedures as are required for making original appointments to a full term. [51:15] The person appointed must be enrolled in the same party as the person whose place he is taking [51:18], unless the vacancy was caused by the removal of a member because of party imbalance. (see II. C. REMOVAL OF REGISTRAR on page 4) The appointee serves until the end of the unexpired term.

6. Party Representation [51:18]

Each appointment, whether to a full three year term or to fill a vacancy, must be made so that the members of the board shall represent the two leading political parties. In no case shall an appointment be made so as to cause a board to have more than two members, including the town clerk, of the same political party. [51:18] For example, if the town clerk is a Democrat, one Democratic and two Republican registrars must be appointed.

If a new town clerk is unenrolled at the time he is elected or appointed, he may remain unenrolled. In this case, the board would consist of two members of one party, one member of the other party and an unenrolled member. The town clerk may also choose to enroll in either party even if that causes a temporary imbalance in party representation.

If a new town clerk is enrolled in a party different from his predecessor, a temporary party imbalance will be created. (see II. C. REMOVAL OF REGISTRAR on page 4)

7. Qualifications [4:12; 51:15,25]

The following qualifications for registrars are specified in the General Laws.

- must be a registered voter of the town [51:25]
- must have been enrolled in the political party he is appointed to represent [51:15] for at least 2 years prior to appointment [4:12]
- must not hold another elective office, except as a member of a home rule charter commission or as a town meeting member [51:25]

- must not hold another office by direct appointment of the selectmen or town manager. [51:25] For example, he must not be a registrar and election officer at the same time unless the town's charter or special act provides for the appointment of election officers by someone other than the selectmen or town manager. If a registrar has served as an election officer in an election, he should disqualify himself from participating in a recount of that election to avoid a conflict of interest. If the selectmen or town manager appoint police officers, a registrar may not accept such an appointment. However, a registrar may hold an office appointed by the moderator.

- must not hold an elective or appointive office under the government of the United States or the commonwealth, except as a justice of the peace, a notary public or an officer of the state militia. [51:25]

Acceptance by a registrar of any office prohibited by 51:25, shall vacate his office as a registrar. [51:25] In addition, if he ceases to act with the party which he was appointed to represent, he must be removed. [51:19] (see II. C. REMOVAL OF REGISTRAR on page 4)

B. CHAIRMAN OF BOARD OF REGISTRARS

In most towns, the board of registrars meets soon after April first to choose a chairman although this is not required by the General Laws. Since the town clerk must serve as clerk to the board, he should not also serve as chairman. (see III. B. AS CLERK TO BOARD on page 8)

In many towns, the board member whose term expires on the next March 31st is customarily chosen as chairman and/or the chairmanship is alternated each year between the two political parties.

C. REMOVAL OF REGISTRAR [51:19]

If, upon written complaint to the selectmen and after notice and hearing, it is found that the town clerk and two registrars are of the same political party, the selectmen shall remove from office, the one of such two registrars having the shorter term remaining. The selectmen should then appoint a registrar from the other party.

Also, if, upon written complaint to the selectmen and after notice and hearing it is found that a registrar of voters, other than the town clerk, has ceased to act with the political party which he was appointed to represent, the selectmen shall remove him from office.

The General Laws do not specify who may make a complaint. It may be made by any person whether or not he is a registered voter of the town. However, the complaint would usually be made by the chairman or a member of the town committee or a voter enrolled in the political party not being properly represented on the board.

The General Laws also do not specify the form of the hearing notice or to whom it should be given. It is suggested that the notice be in writing and sent to the person who made the complaint, to the registrars and to the two town committee chairmen.

A party imbalance is most often created by the election or appointment of a new town clerk enrolled in a party different from his predecessor or when a town clerk, not enrolled in a party at the time of his election or appointment, enrolls in the same party as two members of the board. In either case, the party balance must be restored.

Usually, the appropriate board member voluntarily resigns so that an appointment may be made to restore the party balance. However, if he does not resign, a formal written complaint should be made and the member removed after a hearing.

A written complaint is more likely to be made if a registrar ceases to act with the political party which he was appointed to represent. If a registrar signs and files a party change card requesting that his party be changed or cancelled, it would constitute cause for removal. It is suggested that you inform a registrar asking to file a party change card of the consequence of his action. If he has completed the card, but has not yet submitted it to the registrars, he may withdraw it. However, if his card has already been given to the registrars, it cannot be withdrawn. This may cause a legal problem with respect to his remaining on the board, even if he files another card restoring his original party enrollment within a short period of time. (see 4:12 and II. A. 7. Qualifications on page 3)

The General Laws do not provide any other specific actions which constitute cause for removal under 51:19.

D. RESTRICTIONS ON REGISTRARS

There are no restrictions imposed upon registrars in the General Laws, other than those outlined in II. A. 7. Qualifications on page 3 and that they must act with the party they were appointed to represent. (see II. C. Removal of Registrar above)

However, in many towns, registrars regularly refrain from supporting or opposing candidates and issues at all primaries and elections. They believe it imperative to inspire public confidence in their impartiality in performing their official duties. In addition, Section 23 of Chapter 268A (the Conflict of Interest Law) contains standards of conduct for all state, county and municipal employees. Registrars are usually classified as special municipal employees. As such, they must comply with section 23 which states in part that:

> *no employee shall knowingly, or with reason to know, act in any manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. (see 1986:12)*

Refraining from political activity also protects the registrars. Should an election result be taken to court, honest mistakes which might have been made cannot erroneously be construed as deliberate attempts to influence those results.

E. OATH [51:23]

Before entering upon his official duties, each registrar must take and subscribe to an oath to faithfully perform his duties. He may be sworn before the town clerk or other official qualified to administer oaths, such as a notary public or a justice of the peace. The following oath may be used:

> *Do you solemnly swear that you will faithfully and impartially discharge and perform the duties incumbent upon you as a member of the board of registrars of the town of [name] in accordance with the laws of the Commonwealth of Massachusetts?*

NOTE: Since 51:23 specifies that a registrar must not only take but also subscribe to the oath, he should sign a copy which should then be filed in the town clerk's office.

In some towns, the board of selectmen includes in the notice of appointment sent to each registrar that he must be sworn into office and suggests that he contact the town clerk for this purpose. In other towns, the town clerk notifies each registrar upon receipt of a copy of the appointment from the selectmen's office. Each registrar must take the oath of office each time he is appointed even though he has been reappointed to a second or subsequent term and has previously taken the oath.

The appointment and oath of each registrar must be recorded in the town clerk's office. This record should be kept permanently. The signed copy of the oath should be kept on file until completion of the registrar's term. [state retention schedule #2.61, #2.93] (see TOWN BUSINESS, II. OATHS in Volume 2 of this series)

Upon qualification, each registrar must be provided with a copy of 39:23B, The Open Meeting Law, and with a copy of 268A:23 related to conflict of interest. (see MEETINGS, III. OPEN MEETING LAW and FILING AND RECORDING, XII. CONFLICT OF INTEREST in Volume 2 of this series)

NOTE: Prior to July 23, 1986, the effective date of 1986:30, registrars, as town employees, were required to take and subscribe, under the penalties of perjury, to an oath to uphold the constitution of the United States and of the Commonwealth, commonly known as the loyalty oath. The signed oaths were required to be filed in the town clerk's office. Town employees are no longer required to take this oath since 264:14 was repealed by 1986:30. Oaths currently on file should be kept until after the registrars who signed them resign, die or are not reappointed. [state retention schedule #2.93A]

F. DUTIES

The registrars' duties include registering voters, hearing complaints of illegal or incorrect registration, preparing, updating and posting voting lists, making local listings of residents, certifying signatures on nomination papers and petitions, hearing objections to local nomination papers and petitions, processing absentee ballot applications, authorizing and issuing certificates to omitted voters on election day, and conducting election recounts.

The duties of registrars are outlined in detail in Volumes 3, 4, 5 and 6 of this series as follows:

- updating and posting voting lists and processing absentee ballot applications; in Volume 3.

- election day duties and conducting election recounts; in Volume 4.

- registering voters and hearing complaints, processing nomination papers and petitions and hearing objections; in this volume.

- conducting the annual town census and preparing the lists generated from census information; in Volume 6.

The penalty on a registrar who is guilty of any fraud or corrupt conduct in the execution of the duties of his office is a fine of not more than $1,000 or imprisonment for not more than one year. [56:2] (for additional penalties see sections of Volumes 3 through 6 covering specific duties)

G. COMPENSATION [51:23]

The registrars shall receive such compensation as the selectmen may determine. Such compensation shall not be regulated by the number of names listed or registered by them. For example, the registrars pay may not be set at 50 cents per name included in the list of persons or on voting list.

1. Salary

In some towns, the selectmen determine the registrars' salary each year. In other towns, registrars are included in the salary and classification plan under the town's personnel bylaw. Although not required by the General Laws, the selectmen and/or personnel board may solicit and accept the recommendations of the town clerk or the board of registrars with respect to salary.

Funds to pay the registrars must be appropriated by town meeting. The registrars' salary may appear in a separate line item in the annual town budget or be included under a general salary line item or as a line item in the registrars', town clerk's or selectmen's budget.

Registrars may be paid at an hourly rate for hours actually worked or receive an annual salary. Check with your town accountant to determine the regular practice in your town.

2. Paying Registrars

Registrars may be paid according to any schedule established by custom or vote of the town; weekly, bi-weekly, monthly, or annually. In many towns, the town clerk prepares the payroll voucher for the registrars' pay. In this case, the town accountant may require that each registrar complete and sign a tax withholding form giving his social security number and the number of his dependents. The town may withhold federal and state income taxes from the registrars' pay.

If income taxes are withheld, the town will provide each registrar with a W-2 form to use with his income tax returns. If no taxes are withheld, it is suggested that you contact your town treasurer to determine whether or not you should prepare a 1099 form for each registrar. Such a form is required only if, during the calendar year, the registrar is paid more than a certain amount determined by the IRS. If needed, your town treasurer will probably be able to obtain a supply of the forms for you or tell you where to obtain them.

If no W-2 or 1099 form is issued, the registrars may request that you let them know how much they have been paid during the calendar year, unless an annual salary has been established. This information may be obtained from your copies of the registrars' payroll vouchers.

H. SELECTMEN TO PROVIDE OFFICE, ASSISTANCE & TRANSPORTATION [51:23]

The selectmen are required by 51:23 to provide the registrars with suitable rooms in which to conduct their business. In most towns, the town clerk's office is also the registrars' office.

In addition, 51:23 requires that the selectmen provide necessary assistance. An example of such assistance appears in 51:14A providing that the registrars may, with the approval of the selectmen, have the assistance of the police department in taking the annual town census. (see CENSUS, C. ANNUAL TOWN CENSUS in Volume 6 of this series)

In some towns, the selectmen support the registrars' budget requests for training and for travel to attend association meetings. They also assist by providing a police officer to attend registration sessions and to close up the building after the session is completed.

The selectmen are also required to provide the registrars with necessary transportation, such as making a town vehicle available to a registrar or permitting a mileage charge for a registrar using his own vehicle for a precinct registration session. [51:23]

III. TOWN CLERK AS MEMBER OF AND CLERK TO BOARD OF REGISTRARS

A. AS MEMBER OF BOARD [51:15]

In towns having a board of registrars, the town clerk is automatically a member of the board. No separate appointment is necessary.

B. AS CLERK TO BOARD [51:23]

The town clerk, as a member of the board of registrars, shall act as its clerk and shall keep a full and accurate record of its proceedings. In many towns, the town clerk takes the minutes of the registrars' meeting, although these may be taken by another person specifically hired for that purpose.

In some towns, the town clerk schedules board meetings, prepares the meeting agenda and notifies the members, although the chairman of the board may prefer to do this. To comply with 39:23B, the Open Meeting Law, the town clerk should be certain that a notice of each meeting is posted on the principal bulletin board or in his office and a copy is placed on file. (see MEETINGS, III. OPEN MEETING LAW in Volume 2 of this series)

In many towns, the town clerk prepares a draft of the meeting minutes after each meeting and submits it to the board for approval at its next meeting. The approved minutes are then typed on minute book paper, either 8 1/2" X 11," or 8 1/2" X 14," and these records must be kept permanently. [state retention schedule #2.25] Minute book paper may be purchased in loose sheets. After the minutes are typed and signed by the clerk, they may be placed in a commercially available binder which can be locked after it is full. It is helpful if an index is prepared for each volume of minutes.

As clerk to the board, the town clerk certifies copies of the board's votes, meeting minutes and copies of other records, such as affidavits of registration, voting lists, party change cards, lists of persons, voter cards and any other record which is under the jurisdiction of the board of registrars. (see FILING AND RECORDING, I. FILING, RECORDING, INDEXING in Volume 2 of this series for further information on certifying and providing copies of records and providing public access to records)

The town clerk is required by 51:23 to properly post notices required by the registrars. Included would be notices of registration sessions, hearings, meetings, etc.

While not specifically required by the General Laws, many town clerks assume the responsibility for keeping the board up to date on all amendments to the General Laws, court cases, and information obtained at state or county association meetings which may affect its duties. While many boards of registrars rely heavily upon the town clerk's knowledge of the law, it should be remembered that the town clerk is only one member of the board and should not take unilateral action unless such action has been specifically delegated by majority vote of the board members.

Note, however, that a majority vote by the board is required for some actions, such as determining whether or not an escrow or challenged ballot should be counted and determining the questions raised at a recount or at a hearing on an objection to nominations or on a complaint of illegal registration. Such actions may not be delegated to the town clerk.

C. ADDITIONAL COMPENSATION AS MEMBER OF BOARD [41:19G, H]

As a member of the board of registrars, the town clerk shall, in addition to any compensation to which he is entitled as town clerk, receive the sum of $50.00. If the number of registered voters exceeds 1,000, the town clerk shall receive an additional $50.00 for each additional 1,000 registered voters or major fraction thereof. The maximum compensation is $1,500. [41:19G] However, if the town accepts 41:19H, the maximum compensation is increased to $2,000.

The General Laws do not specify when during a given year the number of registered voters should be calculated. The number of voters will be different depending upon the time of year and whether or not a state election is to be held.

In some towns, the number used to determine the compensation entitlement is the average of the number of voters as of the close of registration prior to each primary and election held during the previous year. In other towns, the number of registered voters as of a particular date, such as December 31st, June 1st or November 1st, is used. Or, the number of voters projected for the year in which the compensation is received is used.

The additional compensation must be appropriated by town meeting under the budget article. In some towns, it is included in the town clerk's, the registrars' or the election budget as a separate line item. In other towns, it is included in a general salary line item.

IV. TEMPORARY REGISTRARS [51:20]

Provision is made under 51:20 for appointing a person temporarily to fill a vacancy in the board of registrars caused by the death, resignation or retirement of a member. In this case, the person appointed serves only until a registrar is appointed to fill the unexpired term under the provisions of 51:15.

In addition, a temporary registrar may be appointed by the selectmen if a member of the board is temporarily unable to perform his duties due to illness or some other reason, or is absent from the town at the time of a meeting of the board. For example, if one registrar is ill and another will be out of state on the day of a recount, making it impossible for a majority of the board to be present, at least one temporary registrar would be needed. If a primary or a partisan election is being recounted, it is suggested that two temporary registrars be appointed so that both parties will be equally represented at the recount.

A temporary registrar may be appointed if a registrar is unable to act because a close relative is a candidate involved in a recount. If a compensated office is involved, Chapter 268A, the Conflicts of Interest Law, may apply and the registrar should contact the State Ethics Commission or town counsel to determine whether or not he should disqualify himself from acting at the recount.

Each person appointed must be of the same political party as the member whose position he is to fill. The temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar. He must be sworn into office before assuming his official duties. (see II. E. OATH on page 5) Compensation for temporary registrars is not mentioned in the General Laws. In some towns, they receive no salary. In other towns, they are paid at the same rate as election officers or at a rate established by the selectmen or the personnel bylaw.

Note that with respect to the appointment of temporary registrars, there is no requirement that a list of three names be submitted by the appropriate town committee chairman. In some towns, the remaining registrars recommend a person who is willing to serve and is enrolled in the appropriate party. It is suggested that before making a recommendation, the board contact the appropriate town committee chairman for approval of the person.

Although it is not required by the General Laws, the selectmen sometimes ask for a recommendation from the appropriate town committee chairman and/or from the board of registrars prior to making the appointment. In any case, the remaining members of the board must first submit to the selectmen a written request that a temporary registrar be appointed. (see sample written request on page 18)

V. ASSISTANT REGISTRARS [51:22,22A,24,42E; 1986:630; 1987:438]

There are three types of assistant registrars provided for in the General Laws, assistant registrars appointed for a term of one year, temporary assistant registrars appointed from time to time and assistant registrars who are also employees of a high school or a vocational school. In this manual, assistants appointed for one year will be called *regular assistant registrars*.

A. REGULAR ASSISTANT REGISTRARS [51:22,24]

The board of registrars may appoint assistant registrars for a term of one year beginning April first. Assistant registrars must be enrolled members of the Democratic or Republican party and the appointments must be made so that the two parties are equally represented. The assistant registrars shall be subject to the same obligations and penalties as registrars. [51:22]

The registrars may remove an assistant registrar from office whenever they deem such removal necessary or advisable, whether or not a complaint has been made. They may fill the vacancy for the remainder of the term. [51:22]

In many towns, the regular employees of the town clerk's/registrars' office are appointed each year as assistant registrars. However, other persons, who are not regular office employees, may be and often are also appointed as assistant registrars. For example, if the regular employees of the office are not town residents and are not registered voters, or the party balance requirement cannot be fulfilled among the employees, any registered voters of the town enrolled in the appropriate party may be appointed.

The registrars may cause the duties devolving upon a single registrar to be performed by one or two assistant registrars. Where two are designated for such duties, they must be of different political parties. The registrars shall make suitable regulations governing the assistant registrars, whose activities shall be subject to the revision and acceptance by the board. [51:24]

In most towns, the registrars do not make formal written regulations governing assistants. However, each assistant is given written or verbal instructions and training before assuming any duties.

Regular assistant registrars are appointed primarily to help register voters, both during regular office hours and at registration sessions. If two assistant registrars are assigned to a registration session they must be of different political parties.

They may also witness absentee ballots, administer the oath to escrow and challenged voters, etc. However, they may not take the place of a registrar at a registrars' meeting or hearing or at a recount, or sign the registrars' certificate on nomination papers.

Regular assistant registrars appointed under 51:22 may also register voters the same as absent registration officers. [51:22A] (see VI. ABSENT REGISTRATION OFFICERS (Appointed by Registrars) on page 14)

B. TEMPORARY ASSISTANT REGISTRARS [51:22]

The registrars may appoint temporary assistant registrars from time to time to assist in the listing of persons 17 years of age or over, the annual town census list, and in the registration of voters at registration sessions provided for in Chapter 51, the sessions required before each primary and election. Temporary assistant registrars must also be appointed so that the two political parties are equally represented.

NOTE: 1977:367 amended 51:4 which requires the annual town census list to be prepared, and decreased the minimum age of persons to be included from 17 to 3 years of age. However, a similar change was not made in 51:22.

In some towns, civic organizations volunteer to help register voters at registration sessions. If the board of registrars wishes to take advantage of such help, the members of the organization who will do the work should be formally appointed as temporary assistant registrars and the party balance requirements should be met.

NOTE: Persons assisting in taking the annual town census by door to door canvass or in processing the mailed census forms are not required to be appointed as temporary assistant registrars. They may be any *qualified persons employed by* the registrars for the purpose. [51:14A] (see CENSUS, C. ANNUAL TOWN CENSUS in Volume 6 of this series)

Temporary assistant registrars are not empowered to register voters the same as absent registration officers appointed under 51:22A. (see VI. ABSENT REGISTRATION OFFICERS (Appointed by Registrars) on page 14)

C. ASSISTANT REGISTRARS AT HIGH SCHOOLS [51:42E; 1986:630; 1987:438; 1989:178]

The principal or headmaster of every public or private high school or vocational school shall submit to the board of registrars of the city or town in which the school is located the names of at least three school employees, who are registered voters in the in the commonwealth, to serve as assistant registrars.

The registrars must appoint at least one of the three employees on the list as an assistant registrar. The registrars must provide necessary training, forms and other assistance and establish procedures to be followed by the assistant registrar(s). (see sample written procedures on pages 19 and 20)

51:42E was inserted into the General Laws by 1986:630. That act required that, for each regional high school or vocational school, at least one assistant registrar be appointed for each city or town where students who usually attend the school reside. Each assistant registrar could register only persons who resided in his own city or town.

However, 1987:438 removed the special provisions related to regional schools. It required the assistant school registrar(s) who had to be registered voters of the city or town in which the school was located,to receive affidavits of registration from persons who reside in any other city or town in the commonwealth and made the provisions of the last paragraph of 51:42B related to the registration of out-of-town residents at petitioned registration sessions applicable to registration at high schools and vocational schools. (see VOTER REGISTRATION, G. 3. Place of Employment or Principal Activity on pages 71-76 and H. 1. Public and Private High Schools and Vocational School on pages 77-81)

1989:178 again amended 51:42E specifying that the list of three school employees be submitted to the registrars of the city or town in which the school is located. It also provided that the school employees, whose names appear on the list, must be registered voters in the commonwealth. They may be voters in any city or town. The requirement that school assistant registrars receive affidavits of registration from residents of any city or town inserted by 1987:438 was not changed.

NOTE: 51:42E does not mention party enrollment with respect to high school assistant registrars. However, party balance should be maintained in the entire group of regular and school assistant registrars even if the school assistant registrars are voters in other cities or towns. For example, if there are 4 Democratic and 4 Republican regular assistant registrars and a Democratic school assistant registrar is appointed, an additional Republican regular assistant should also be appointed to balance the party representation. (see 51:22) Or two school assistant registrars, one Democratic and the other Republican, may be appointed.

The principal or headmaster shall publicize the opportunity to register within the school and the assistant registrar(s) must be available to permit eligible students and school employees to register.

It is suggested that the principal or headmaster of every school affected be sent a copy of 51:42E, as amended by 1987:438 and 1989:178, to inform him of the law. In addition, he should be given information concerning the duties of assistant registrars to assist him in choosing persons to be include on the required list.

D. QUALIFICATIONS [51:25]

The qualifications for assistant registrars are the same as for registrars, except that an assistant registrar is not required to have been enrolled in a party continuously for 2 years prior to appointment. (see II. A. 7. Qualifications on page 3)

E. OATH [51:23]

Both regular assistant registrars, including those appointed for high schools and vocational schools, and temporary assistant registrars must take the oath of office the same as registrars before they enter upon their official duties. (see II. E. OATH on page 5)

F. COMPENSATION [51:23]

Both regular and temporary assistant registrars shall receive such compensation as the selectmen may determine. (see II. G. COMPENSATION on page 7) Usually assistant registrars, who are also employees of the town clerk's/registrars' office, are paid at the same rate as they receive for other work. Other regular or temporary assistant registrars are usually paid an hourly rate for registering voters. The basis for paying temporary assistant registrars, who work on the annual town census, varies among towns. Some towns pay an hourly rate and others pay a certain amount for each name listed or for each household contacted. Members of civic organizations who are appointed as assistant registrars usually do this work as a public service and are not paid.

NOTE: Assistant registrars appointed for high schools or vocational schools may be paid by the town. Or, they may be given additional compensation by the school where they are regularly employed under the school employees' collective bargaining agreement.

VI. ABSENT REGISTRATION OFFICERS (APPOINTED BY REGISTRARS)

[51:22A]

Before every primary and election, the registrars may appoint absent registration officers who, in addition to the registrars and regular assistant registrars, may attend persons claiming to have the qualifications for voting but who, because of physical disability, are unable to apply in person for registration at the office or at an outside registration session. These physically disabled persons may apply to be registered in their homes. (see 51:42A)

Absent registration officers must be appointed from the enrolled voters of the town and shall, as nearly as may be, equally represent the two leading political parties. Note that the phrase *as nearly as may be* appears in 51:22A with respect to party balance. This indicates that strict adherence to equal party representation is not required by law in the appointment of the total number of absent registration officers. However, in towns which make such appointments, an equal number of Democrats and Republicans is usually appointed to avoid complaints that one party has been favored over the other. Also note that each applicant must be registered by two officers of different parties under 51:42A. (see VOTER REGISTRATION, I. ABSENT REGISTRATION PROCEDURES on page 81)

Absent registration officers shall, in the performance of their duties, have all of the powers and be subject to all of the obligations and penalties of registrars. Their doings shall be under the direction of and subject to the revision and acceptance of the registrars.

Each absent registration officer should take the oath of office the same as a registrar before taking any official action. (see II. E. OATH on page 5) Also absent registration officers are usually paid at an hourly rate for their work. (see II. G. COMPENSATION on page 7)

VII. ELECTION COMMISSIONS [51:16A]

A town may establish a board of election commissioners or an election commission by accepting 51:16A by majority vote at an annual town meeting.

A town may also establish an election commission under a home rule charter or special act. If your town has done so, check the provisions of the charter or special act.

A. TRANSFER OF DUTIES AND RECORDS

The board of election commissioners shall be the lawful successor of the board of registrars and, with respect to elections, of the town clerk. It has all the powers, rights, duties and liabilities of boards of registrars and, with respect to elections, of the town clerk. It also has all the powers of selectmen, boards of registrars and town clerks with respect to caucuses, primaries and elections.

EXCEPTION: The selectmen retain the power and duty of giving notice of elections and fixing the days and hours of holding them. They are responsible for preparing the election warrant and having it posted. However, the constable makes his return of service to the election commission instead of to the town clerk since the commission is responsible for conducting elections.

Immediately upon acceptance of 51:16A, or when a charter or special act creating an election commission becomes effective, all books, papers and records and all other property in the possession of the registrars of voters and all books, papers, records etc. of the town clerk which relate to or are required for use in the conduct of elections, must be transferred to the election commission. The records may or may not be physically moved depending upon whether or not the election commission has an office separate from the town clerk's office, but jurisdiction over the records must be transferred.

B. Original Election Commission

The first election commission established must consist of the three registrars in office at the time of the acceptance of 51:16A or the effective date of a charter or special act, who shall serve until the expiration of the term to which they were appointed. A fourth person, who takes the place of the town clerk, must be appointed by the selectmen for a term of four years beginning on the next April first.

C. SUBSEQUENT APPOINTMENTS

As the term of each member of the original commission expires, or if a vacancy occurs, the selectmen must appoint a commissioner. The procedures appointing election commissioners are the same as those for appointing registrars outlined in II. A. 1. Town Committee to Submit List of Names on page 2, and II. A. 2. Failure to Submit Names on page 2.

D. TERM OF OFFICE

Each appointment must be made for a term of four years beginning on April 1st. If, however, an appointment must be made to fill a vacancy, the person appointed serves only until the expiration of the term.

Each commissioner serves until his successor is appointed and qualified by taking the oath of office.

E. PARTY REPRESENTATION

Each appointment to the commission must be made so that the members shall equally represent the two leading political parties.

F. QUALIFICATIONS

The qualifications for appointment as an election commissioner are the same as for a registrar. (see II. A. 7. Qualifications on page 3.)

G. CHAIRMAN AND SECRETARY

The board of election commissioners shall organize annually in April of each year by choosing a chairman and a secretary. However, if the commissioners cannot agree upon a chairman or secretary, these officers shall be designated by the selectmen.

The secretary of the board must keep full and accurate records of the proceedings of the board and shall perform such other duties as the board may require. The secretary of an election commission generally performs the same duties as the clerk to the board of registrars. (see III. B. As Clerk to Board on page 8)

However, the election commission may and usually does appoint an executive secretary who is a regular employee and is responsible for the administration of the department.

H. REMOVAL OF ELECTION COMMISSIONER

Procedures for removal of an election commissioner are the same as Removal of Registrar on page . Note that the information concerning party imbalance caused by the enrollment of the town clerk does not apply since the town clerk is not a member of the board.

I. RESTRICTIONS ON ELECTION COMMISSIONERS

See II. D. RESTRICTIONS ON REGISTRARS on page 5.

J. OATH

See II. E. OATH on page 5.

K. COMPENSATION

While 51:23 requires that the compensation of the registrars be determined by the selectmen, 51:16A provides that the compensation of the election commissioners is to be determined by the town. Compensation may not be based upon the number of names listed or registered by them.

The funds to pay the commissioners must appear in the town budget and be appropriated at town meeting. Usually, the board of election commissioners prepares its own budget and makes recommendations to the town with respect to commissioners' salaries. (see II. G. COMPENSATION on page 7 for further information on salary and payment)

L. SELECTMEN TO PROVIDE OFFICE, ASSISTANCE & TRANSPORTATION

See II. H. SELECTMEN TO PROVIDE OFFICE, ASSISTANCE & TRANSPORTATION on page 8.

VIII. TEMPORARY COMMISSIONERS

The selectmen may appoint a temporary election commissioner for the same reasons and using the same procedures as outlined under IV. TEMPORARY REGISTRARS on page 10.

IX. ASSISTANT COMMISSIONERS [51:16A]

The board of election commissioners may appoint assistant commissioners and such assistants as it deems necessary who shall at all times equally represent the two leading political parties.

Assistant commissioners have such powers and perform such duties as are prescribed for assistant registrars and shall perform such other duties as the election commissioners may require. (see V. ASSISTANT REGISTRARS, A. through F. on pages 11, 12 and 13)

X. ABSENT REGISTRATION OFFICERS (APPOINTED BY COMMISSIONERS)

The election commissioners may appoint absent registration officers the same as outlined under VI. ABSENT REGISTRATION OFFICERS (APPOINTED BY REGISTRARS) on page 14.

SAMPLE REQUEST FOR TEMPORARY REGISTRAR

(Registrars' Letterhead)

Date____________________

To: Board of Selectmen

Re: Temporary Registrar

This is to request that the Board of Selectmen appoint two temporary registrars under the provisions of Chapter 51, section 20 of the General Laws.

The need for temporary registrars is caused by the illness of [name of registrar] who represents the Democratic party and by the necessary absence from the state of [name of registrar] who represents the Republican party. A temporary registrar of each party will be needed. These temporary registrars will serve at the recount to be held on [date].

We recommend that [name], an enrolled Democrat, and [name] an enrolled Republican, both of whom have agreed to serve and who have been approved by the Chairman of their respective town committees, be appointed.

We respectfully request that the appointment of a temporary registrar be made as soon as possible.

____
Registrar

____
Registrar

SAMPLE INSTRUCTIONS FOR SCHOOL ASSISTANT REGISTRARS

51:42E, 1986:630, AS AMENDED BY 1987:438

Board of Registrars
Town of [Name]

Please read these instructions before you register any persons at the high school or vocational school for which you have been appointed. It is essential that you follow these instructions carefully.

1. Establish hours for registering eligible students and school employees that are convenient for you, your work environment and satisfies the needs of persons being registered. Post and publicize these hours.

2. All information must be legibly printed in black ink on the affidavit of registration forms supplied to you. Be sure you have a good supply of blank forms at all times. Call the Town Clerk's office for additional forms.

3. Affidavit forms do not leave your possession. Forms must be completed and signed in your presence. Use the regular affidavit form for persons who are residents of this town. Use the out-of-office form for residents of any other city or town. The applicant may complete the form. Or, you may obtain the information and complete the form. Then have the applicant check the information for accuracy and sign the form. Be sure the form is dated.

   Regular Affidavit of Registration Form

   a. Name: should be entered as the applicant wishes it to appear on the voting list. For example, John J. Smith, Jr.; John Smith; John J. Smith. Print last name first.

   b. Address: street, house number and apartment number, if any. Add mailing address, if different.

   c. Residence, January 1st: Residence on January first of current year, if different from current address.

   d. Other Information: Date and place of birth and occupation must be entered on all forms. The box after Birth or Naturalized must be checked as applicable. Applicant must be a U.S. citizen. To enroll in a political party, applicant should check the appropriate box after "Do you wish to enroll in a political party?" or enter "No." Be sure the applicant has seen the question if no answer has been entered.

INSTRUCTIONS FOR SCHOOL ASSISTANT REGISTRARS (continued)

e. Applicant's Signature: Ask applicant to read, to himself/herself, the statement above the signature line and sign the form as the name is printed above.

f. Assistant Registrar's Signature: Sign your name on the line after "Witness."

Out-of-Office Affidavit of Registration Forms

Out-of-Office forms should be completed the same as regular affidavit forms. Three boxes are provided in item 11. for the applicant to indicate whether or not he wishes to enroll in a political party. In addition, applicant's height should be entered in item 9. Ask the applicant for proof of residence showing the applicant's name and current residence, such as, driver's license, school ID, etc. Enter type of proof shown in item 16. If no proof of residence shown, enter "none." Form should be completed and accepted whether or not proof of residence has been presented.

4. Check affidavit for completeness before the applicant leaves. Do not leave any blanks on the form. Enter "n/a" next to questions which do not apply to the applicant. This will show the Town Clerk's/Registrars' Office that all questions were answered.

5. Enter applicant's telephone number on the form at top right corner [under applicant's signature]. This is optional information.

6. If an applicant refuses to provide required information, do not argue with him. Point out that the information is required by law. If he still refuses, tell him that the Board of Registrars will review his affidavit and contact him.

7. Completed affidavits of registration must be returned by Friday of each week to the Town Clerk's/Registrars' Office at Town Hall. Special return dates will be arranged for the last day of registration before an election or town meeting. It is essential that a good working relationship be maintained between the School Assistant Registrar and the Office regarding the filing of completed affidavits. They must be timely filed to be entered on the voting list.

8. Notify the Board of Registrars immediately if you are no longer able to serve as an Assistant Registrar.

CONTACT THE TOWN CLERK FOR FURTHER INFORMATION OR QUESTIONS.

2

VOTER REGISTRATION

I. GENERAL

To be eligible to vote in Massachusetts, a person must first register. Once registered as a voter in a town, a person remains a registered voter in that town and may vote in every election, primary, preliminary and, except as restricted in a town having a representative town meeting, in any town meeting held in the town until he dies or establishes residence in another town. In the following, the term *election* will include primary, preliminary and town meeting unless otherwise indicated. [51.1]

NOTE: Once a person has registered as a voter in the town, he may also vote in any district such as fire, water or sewer district, defined in 41:1A, in which he resides. [51:1; 1985:414]

EXCEPTION: Under certain circumstances, a person may be a specially qualified voter (see 54:103B), or qualified to vote only for president and vice-president in presidential elections (see 51:1F), and must be permitted to vote by absentee ballot even though he has not registered. Note that voting by absentee ballot under these circumstances does not register the person as a voter. (see ABSENTEE BALLOTS in Volume 3 of this series)

The registration of voters is a major function of the board of registrars or election commissioners and includes preparing and providing affidavit forms, determining applicants' qualifications, holding registration sessions, processing affidavits, preparing voting lists and reporting information to the state secretary. It may also include preparing or receiving complaints, holding hearings, examining voters under oath and exercising quasi-judicial powers to determine whether or not a person qualifies as a voter.

The qualifications required for registering as a voter and the procedures to be used by the registrars and by the applicants appear for the most part in Chapter 51 of the General Laws and are the same for state and town elections. These requirements and procedures are outlined in the following.

Since most towns have boards of registrars, the terms *board of registrars* or *registrar* will generally be used in this manual. In towns having a board of election commissioners, substitute board of election commissioners, election commission or commissioner where board of registrars or registrar appears in the text.

NOTE: A person does not make an application for registration nor may his affidavit of registration be rejected except under certain limited circumstances. A person registers simply by completing and signing the required affidavit. However, in this manual, the term *applicant* is used in reference to a person before or during registration and the term *registrant* is used in reference to a person after he has registered.

II. WHO MAY REGISTER

To be eligible to register a person must have certain qualifications specified in the General Laws as follows:

A. CITIZENSHIP [51:1,45A]

The person must be a United States citizen, either by birth or by naturalization. [51:1] A naturalized citizen is not required to prove his citizenship by presenting his naturalization papers for inspection at the time of registration but may do so if he wishes. [51:45A]

B. AGE [51:1,47A]

The person must be 18 years of age or older to be a registered voter. [51:1] However, if the person is 17 years old at the time he completes and signs his affidavit of registration but will be 18 on the day of the next election, he may be registered as a voter for that and subsequent elections. [51:47A] Court decisions have determined that if the person's 18th birthday is the day following election day, he has achieved the full age of 18 years, or completed his 18th full year on earth, on election day itself, and should be registered. (see City of Lawrence v. Commissioner of Public Works, (1945) 62 N.E.2d 850, 853; 318 Mass. 520, 525)

C. RESIDENCE [51:1,26]

The person must be a resident of the city or town where he claims a right to vote at the time he registers. [51:1] He must intend to make that city or town his *home* at least for a time. He must be actually living there at the time of registration, but does not need to have lived there for any specified period of time.

The last day prior to an election on which a person may register to vote in that election is specified in the General Laws. [51:26] (see III. B. 1. d. close of registration on page 25) That deadline for registration is not considered a durational residence requirement but is an administrative bookkeeping period to permit the preparation of the voting lists to be used at the election.

NOTE: 51:1A contained provisions for qualifying a person, who had lived in the town not less than 28 days, for voting for president and vice-president only and specified forms and procedures to be used for applications. These provisions were not used after the durational residence requirements were eliminated from the General Laws and the last day for registration for state elections was changed to the 28th day prior to the election. (see 1972:587 and 1973:853) 51:1A was repealed by 1988:79.

(for further information, see XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION on page 86 and ELECTION RESOURCE HANDBOOK, *Residence for Voting Purposes*)

D. PERSON UNDER GUARDIANSHIP [51:1]

A person under guardianship may not be permitted to register as a voter. However, the person must have been adjudicated incompetent or placed under guardianship by a court. The registrars may not refuse to register a person solely on the basis that he is mentally retarded even if he is in a state facility for such persons. (see Boyd v. Brd. of Reg. of Voters, (1975) 334 N.E.2d 629; 368 Mass. 631)

E. PERSONS CONVICTED OF CORRUPT PRACTICES [51:1; 55:42]

A person who has been temporarily or permanently disqualified by law because of corrupt practices may not be permitted to register or, if registered at the time of his conviction, must be removed from the voting list. [51:1] However, a person must have been convicted by a court and a certified copy of the final judgment of the court or of the conviction must have been received by the town clerk. [55:42]

NOTE: 55:42 contains provisions related to disqualification for three years. The Massachusetts Constitution authorizes the General Court to make laws regarding permanent disqualification, but no statute has been enacted.

F. COMPLYING WITH CHAPTER 51

A person, who has all the above qualifications must also comply with the provisions of Chapter 51 governing the procedures for registration.

III. WHERE AND WHEN TO REGISTER

In the following information concerning when and where to register there will be numerous references to the *last day for registration* and to the *close of registration.* The two terms should not be confused and may not be interchanged. The *last day for registration* is the final day prior to an election on which a person may register to vote in that election. For example, the 28th day prior to a state biennial election or the 20th day prior to an annual town election is the last day for registration.

The *close of registration* is the hour on the last day for registration when the registration session ends. For example, the close of registration for a state biennial election or an annual town election is 10 P.M. on the last day for registration.

A. TOWN CLERK'S/REGISTRARS' OFFICE [51:26,33; 1988:296]

In towns having 600 or more registered voters, a person must be permitted to register to vote at the town clerk's/registrars' office during regular business hours at any time during the year. [51:33]

Some town clerks regularly keep their offices open one evening per week and eligible persons who apply should be registered at that time. Also evening or Saturday appointments may be made for those who, because of their out-of-town employment or travel, cannot register either during regular office hours or during one of the registration sessions required to be held before every election.

If the town has less than 600 registered voters, 51:33 does not require registration during regular business hours. In many small towns, the office is located in the town clerk's home and there are no *regular business hours.* A person wishing to register may make an appointment with the town clerk or register during one of the required registration sessions.

Certain registration sessions are required to be held at the registrars' principal office. (see B. below) Or, the town bylaws may require that registration sessions be held at the office during certain evenings or Saturdays. The registrars may also hold whatever additional sessions in their office they deem effective for the registration of voters. [51:26]

B. REGISTRATION SESSIONS [51:26,27,28,29,29A,30,31]

Sessions for voter registration are required by law to be held during evenings and on a Saturday prior to all elections. The number of such sessions, the times and the locations at which they must be held depend upon the type of election. Sessions, other than those required by the General Laws and at specified locations, may be required by town bylaw. In addition, other sessions may be held if the registrars consider them necessary or desirable. (see also IV. SCHEDULING REGISTRATION SESSIONS on page 33)

1. Biennial State Elections [51:26,28,30,31]

a. sessions in precincts [51:30]

In towns divided into voting precincts, the registrars must hold at least one session in each precinct of the town. The sessions must be held not earlier than 60 days before the election and not later than the 28th day prior to the election which would be the last day for registration. [51:30]

Unless otherwise specified in the town bylaws or a petition has been received, (see C. Petitioned Registration Sessions on page 30) holding more than one session in each precinct is not required. The hours during which each session must be held are not specified in the General Laws.

b. night sessions in office [51:30]

In all towns, the registrars must hold at least one night session at their principal office in each week during the last three weeks prior to the close of registration.

In precinct towns, the night office sessions must be held in addition to the precinct sessions. However, one of the office sessions may be counted as the required precinct session for the precinct in which the office is located.

The hours during which each session must be held are not specified in the General Laws.

c. Saturday session [51:28,31]

In all towns, the registrars must hold a continuous registration session from 9 A.M. until 5 P.M. on the Saturday preceding the last day for registration. [51:28; 1987:488]

The hours during which this session must be held are specified in the General Laws. The hours may be extended earlier or later than those required if the registrars consider it necessary or advisable. Note that both the opening and closing hours were changed by 1987:488.

Also, 51:28 provides that if the Saturday preceding the election is not more than two days before or after a legal holiday, the session must be held on the second Saturday before the last day for registration. In some state election years, the legal holiday on the second Monday in October affects the Saturday registration session. In other years, the holiday does not affect that session.

For example, in 1988, the required Saturday session had to be held on October 1st, the second Saturday prior to the last day for registration since the first Saturday prior to the last day was less than two days before the holiday on Monday, October 10th. However, in 1986, the October holiday did not affect the required Saturday session.

Usually a Saturday session is held in the town clerk's/registrars' office, but it may be held in another location since the location is not specified in the General Laws. The Saturday session must be held even if your town has voted under 41:110A that the public offices are to be closed on that day. [51:31]

NOTE: In some towns, the Saturday session before an election when few persons are expected to register is held at a registrar's home. Such a location is usually used only before a special election. The time and location must be given ample publicity.

d. close of registration [51:26,31]

The last day for registration for a biennial state election is the 28th day prior to the election and registration closes at 10 P.M. on that day. [51:26] In all towns, except those having less than 300 voters, the registrars must hold a continuous session on that day from 9 A.M. to 10 P.M. In towns having less than 300 registered voters, the session on the last day is sufficient if it is held from 2 to 4 P.M. and from 7 to 10 P.M.

To calculate the date of the last day for registration, count back to the 4th Tuesday prior to the election. For example, the last day for registration for the November 8, 1988 state election, was October 11th.

If the final day for registration falls on Sunday or on a holiday, the preceding day shall be the final day. This provision does not affect the last day for registration for a biennial state election since that day is always a Tuesday and there is no Tuesday holiday in October. [51:31]

In most towns, the session on the last day is held in the town clerk's/registrars' office, but the location is not specified in the General Laws.

2. Biennial State Primaries [51:26,27,28]

The registrars are required to hold certain registration sessions prior to a biennial state primary as follows:

a. Saturday session [51:28]

The requirement for holding a Saturday session prior to a state primary is the same as outlined under B. 1. c. Saturday session on page 24 for a biennial state election.

Note that there are no state holidays in August. Therefore, the provision of 51:28 related to holding a registration session on the second Saturday prior to the last day for registration does not affect the schedule of sessions prior to a biennial state primary.

b. other sessions [51:27]

Under 51:27, the registrars are required to hold one registration session on or before the last day for registration. The General Laws specify only that this session must be at "some suitable place in the town." The hours during which this session must be held are not specified.

This session may be combined with the Saturday session required under 51:28. (see B. 1. c. Saturday sessions on page 24) Or, it may be combined with the session required under 51:26 on the last day for registration. (see c. close of registration below)

In many of the larger towns, more than the bare minimum number of sessions are held prior to a state biennial primary to be certain that the needs of the public are met.

Note that the General Laws do not require that sessions be held in each precinct of a town.

c. close of registration [51:26]

The last day for registration for a biennial state primary is the 28th day prior to the primary and registration closes at 10 P.M. on that day. In all towns, except those having less than 300 voters, the registrars must hold a continuous session on that day from 9 A.M. to 10 P.M. In towns having less than 300 voters, the session on the last day is sufficient if it is held from 2 to 4 P.M. and from 7 to 10 P.M.

The date of the last day for registration is calculated the same as for the biennial state election, unless the general court changes the date for the state primary. (see B. 1. d. close of registration on page 25)

NOTE: The date of the 1988 state primary was changed by the General Court from the 7th Tuesday preceding the state election as provided in 53:28 to Thursday, September 15th. The change applied only to that primary. The last day for registration for the September 15, 1988 state primary was August 18th, the fourth Thursday prior to the primary.

If the final day for registration falls on Sunday or on a holiday, the preceding day shall be the final day. This provision does not affect the last day for registration for a biennial state primary since that day is always a weekday and there are no holidays in August. [51:31]

In most towns, the registration session is held in the town clerk's/registrars' office, but the location is not specified in the General Laws.

3. Presidential Primaries [51:26,27,28]

The requirements for registration sessions prior to presidential primaries are the same as outlined under B. 2. Biennial State Primaries on page 25.

Note however, that in towns in which the annual town election is held on the first Monday in March in a year in which the presidential primary is held, the registration sessions held in preparation for the annual town election shall also serve as registration sessions for the presidential primary. [51:26] (see 6. Annual Town Elections below)

4. Special State Elections [51:28,29]

The registrars are required to hold a registration session from 9 A.M. to 5 P.M on the Saturday prior to the last day for registration for a special state election. If that Saturday is not more than two days before or after a holiday, the registration session must be held on the second Saturday before the last day for registration. [51:28]

The last day for registration for a special state election is the 20th day prior to the election and registration closes at 10 P.M. A registration session must be held from Noon to 10 P.M. on that day. [51:29] The date of the last day for registration is calculated the same as outlined under Annual Town Elections below.

5. Special State Primaries [51:28,29A]

The registrars are required to hold a registration session from 9 A.M. to 5 P.M on the Saturday prior to the last day for registration for a special state primary. If that Saturday is not more than two days before or after a holiday, the registration session must be held on the second Saturday before the last day. [51:28]

The last day for registration for a special state primary is the 20th day prior to the primary and registration closes at 10 P.M. on that day. A registration session must be held until 10 P.M. on that day, but the General Laws do not specify at what hour the session must begin. [51:29A] Usually the session is scheduled to begin at the hour the office usually opens for business. The date of the last day for registration is calculated the same as outlined under Annual Town Elections below.

6. Annual Town Elections [51:26,28,30,31] (see also B. 10. Annual Town Meetings on page 28)

The registrars are required to hold the same registration sessions prior to the annual town election as outlined under B. 1. on page 24 for a state biennial election, except that the last day for registration is the 20th day prior to the election.

To calculate the date of the last day for registration, consider the day before the election as day 1 and count back 20 days. For example, the last day for registration for an annual town election held on March 28, 1988 was March 8th.

In towns having precincts, the required precinct sessions may be eliminated if the selectmen so vote. In the larger towns, precinct sessions before an annual town election are usually needed and held to provide sufficient opportunity for the citizens to register.

In the smaller towns, such sessions may not be needed. If your town has held precinct sessions in the past prior to the annual town election and many citizens have usually registered at those sessions, it is suggested that they be continued. However, if only one or two citizens have registered at those sessions, the registrars might request that the selectmen vote to eliminate them. (see sample request on page 98) Note that the night sessions required by 51:30 and the Saturday session required by 51:28 may not be eliminated.

7. Town Primaries and Preliminaries [51:26,27,28]

The registrars must hold the same registration sessions for a town primary or preliminary as outlined under B. 2. on page 25for a state primary, except that the last day for registration is the 20th day prior to the town primary or preliminary.

NOTE: If a preliminary election is not held because there are not more than two times the number of candidates than persons to be elected to all offices on the ballot, registration sessions do not need to be held.

8. Special Town Elections [51:28,29]

The registrars must hold registration sessions the same as outlined under B. 4. on page 27 for special state elections, except that on the 20th day prior to the election, the last day for registration, the session must be held from Noon until at least 8 P.M. The session may be extended after 8 P.M. but must end by 10 P.M.

9. Special Town Primaries and Preliminaries [51:28,29A]

The registrars must hold registration sessions prior to special town primaries and preliminaries the same as outlined under B. 5. on page 27 for special state primaries, except that the session on the 20th day before the primary or preliminary, the last day for registration, the session must be held until at least 8 P.M. The session may be extended after 8 P.M. but must end by 10 P.M. The General Laws do not specify at what time the session must begin.

10. Annual Town Meetings [39:9A; 51:26,28,30]

The registrars are required to hold the same registration sessions prior to the annual town meeting as outlined under B. 1. on page 24 for a state biennial election, except that the last day for registration is the 20th day prior to the meeting.

In towns having precincts, the required precinct sessions may be eliminated if the selectmen so vote. (see B. 6. Annual Town Elections on page 27)

a. annual town election held within 35 days of annual town meeting [39:9A; 51:26,28,30]

If the annual town election and annual town meeting are held within 35 days of each other and are called on the same warrant, only one set of registration sessions is required since the annual town election is considered part of the annual town meeting. [39:9A] The last day for registration for both the election and the meeting is the 20th day prior to the earlier event. [51:26]

EXAMPLE: The annual town election was held on March 28, 1988. The annual town meeting for conducting other business started on April 4th. The last day for registration for both events was March 8th.

EXAMPLE: The annual town meeting began on April 4, 1988. The annual town election was held on May 2nd. The last day for registration for both events was March 15th.

In both of the above examples, the required night sessions in the registrars' principal office, the required Saturday session and, in precinct towns unless the selectmen vote to eliminate them, the precinct sessions are determined from the date of the last day for registration. [51:28,30] Note that if the Saturday prior to the last day for registration is not more than two days before or after a holiday, the session must be held on the second Saturday before the last day. [51:28]

b. annual town election and annual town meeting held more than 35 days apart [39:9A]

If the annual town election and the annual town meeting for conducting other business are held more than 35 days apart, they must be called on two separate warrants. [39:9A] In that case, each event has its own last day for registration, 20 days prior to the event, and two separate sets of registration sessions must be held.

EXAMPLE: The annual town election was held on March 21, 1988. The annual town meeting began on May 2nd. The last day for registration for the election was March 1st and the last day for registration for the business meeting was April 12th. Two sets of the required Saturday, night and in precinct towns unless the selectmen vote otherwise, two sets of the required precinct registration sessions must be held, one set for the election and the other for the meeting.

11. Special Town Meeting [51:29]

The registrars are required to hold only one registration session from Noon until 8 P.M. on the 10th day prior to the date a special town meeting begins. The registrars may extend the hours for this session after 8 P.M. but it must end by 10 P.M. Registration for the special town meeting closes on the 10th day before the meeting at the hour scheduled by the registrars for the end of the session.

The registrars may hold additional registration sessions prior to the last day for registration if they consider them necessary or advisable. For example, if a particularly controversial article appears on the special town meeting warrant, more than one registration session may be needed to provide ample opportunity for citizens to register.

EXCEPTION: In towns having representative town meeting, a special registration session is not required to be held prior to the meeting. Only elected town meeting members are permitted to vote at town meetings and all such members must already be registered voters.

C. PETITIONED REGISTRATION SESSIONS [51:30,42B]

Two sections of the General Laws provide for holding a registration session upon petition as follows:

1. At a Location at Least Two Miles Distant From the Place of Registration [51:30] (towns without precincts only)

Upon petition, the registrars are required to hold a registration session before the last day for registration prior to the biennial state election or the annual town election or meeting in any village or locality within the town two or more miles distant from the place of registration. The *place of registration* referred to in 51:30 is considered the registrars' principal office, usually located in the town hall. The petition must be filed at least 48 days prior to the election.

Note that this provision of the General Laws does not apply to any special elections or town meetings or to any primaries or preliminaries.

2. At Places of Employment or Other Principal Activity [51:42B]

Upon petition, the registrars are required to hold a registration sessions at any factory, mill, school, college or university, hospital, nursing or rest home, or any other place where there are persons who are entitled to be registered who are regularly gathered because of employment or other principal activity.

The petition must be received not later than the 40th day prior to the primary or election. The session under 51:42B must be held on or before the last day for registration and must be held within the town boundaries.

At these petitioned registration sessions, the registrars must receive affidavits from residents of any city or town in the commonwealth who are eligible to register.

(see VIII. PETITIONED REGISTRATION SESSION PROCEDURES on pages 68-77 for details concerning petition requirements, etc.)

D. SCHOOLS AND COLLEGES [51:42C,42D,42E]

There are three sections of the General Laws related to voter registration at schools and colleges as follows:

1. At Public and Private High Schools and Vocational Schools

a. required by 51:42C [51:42C; 1988:281]

If a city or town accepts the provisions of 51:42C, voter education and voluntary registration sessions shall be held by the registrars, assistant registrars or election commissioners one day each year between the first day of April and the 15th day of May in each public, private and vocational high school in their cities and towns. The sessions shall take place as part of an educational assembly for all seniors.

At each session, the registration officials must receive affidavits from residents of the town in which the school is located and may receive affidavits from residents of any other city or town in the commonwealth who are eligible to register.

NOTE: Prior to the passage of 1988:281, a registration session was required to be held under 51:42C at a public high school or vocational school upon petition of 25 students of voting age forwarded to the registrars by the school principal. Such a petition is no longer permitted.

(see IX. SCHOOL, COLLEGE & UNIVERSITY REGISTRATION PROCEDURES on pages 77-80)

b. required by 51:42E [51:42E; 1986:630; 1987:438; 1989:178]

51:42E requires that the principal or headmaster of every public or private high school or vocational school submit to the board of registrars of the city or town in which the school is located the names of at least three school employees who are registered voters in the commonwealth. The registrars must appoint at least one of the designated employees as an assistant registrar who must be available at the school for the purpose of permitting eligible students and employees of the school to register as voters. [51:42E; 1986:630; 1989:178]

The assistant registrar at each school must receive affidavits from residents of any city or town in the commonwealth who are eligible to register. [1987:438]

(see BOARDS OF REGISTRARS AND ELECTION COMMISSIONS, V. C. Assistant Registrars at High Schools on page 12 and this chapter, IX. A. Public and Private High Schools and Vocational Schools on page 77)

2. At Regional High Schools, Colleges or Universities [51:42D]

The registrars may, but are not required to, hold registration sessions in a regional high school, college or university in any city or town in the commonwealth where there are persons entitled to be registered in their city or town who are regularly gathered there by reason of education or employment. Registration is not limited to students but includes any person who is regularly employed at the school.

NOTE: No petition may be made to require the registrars to hold a registration session at a location outside of the town. Also, under 51:42D, a regional high school is a public school but a college or university may be either public or private.

51:42D contains the only provision of the General Laws which permits registrars to register voters outside of their own town boundaries but only at regional high schools or institutions of higher education. They may not register persons at an out-of-town nursing home, rest home, hospital, prison or other institution even if the persons are entitled to register in their town.

(see IX. SCHOOL, COLLEGE & UNIVERSITY REGISTRATION PROCEDURES on pages 77-80)

E. ABSENT REGISTRATION [51:42A]

Upon application, a person who, because of physical disability, cannot appear in person to register at the registrars' office or at one of the out-of-office registration sessions, may be registered at his home or other location such as a nursing home, rest home, elderly housing complex or hospital within the town.

The term *absent registration* is used in the General Laws for this kind of registration. However, the applicant must be registered at a location within the town boundaries. There is no provision in the General Laws to permit a person in an out-of-town hospital, for example, to be registered at that location.

The application must be received in the registrars' office not later than the 3rd day prior to the last day for registration and the person must be registered before the close of registration.

EXCEPTION: An applicant who is in the military or naval service of the United States, may register under 51:42A after the close of registration but not less than 3 days before an election. In that case, there is no specified deadline for making the application, but it must be made in time for the completed and signed application to be mailed to the registrars' office and for the visit to be made. These provisions of 51:42A do not apply to all specially qualified voters defined under 54:103B, only to military or naval personnel.

(see X. ABSENT REGISTRATION PROCEDURES on pages 81-84 for further details)

F. VOTER REGISTRATION DURING A CLOSED PERIOD [51:26]

51:26 provides that there shall be no registration of voters between the last day and hour for registration for an election, primary or preliminary and the day following the event. This general law section establishes the close of registration and prohibits any person, who has not registered prior to the close, from voting in the next election, primary or preliminary.

EXCEPTION: Special provisions apply to persons included in the definition of specially qualified voters under 54:103B and to persons who have recently become United States citizens permitting them to register after the close of registration specified in 51:26. [51:50,51; 1989:194] (see XI. SUPPLEMENTARY REGISTRATION - SPECIALLY QUALIFIED VOTERS on page 85)

51:26 also provides that a person may apply for registration during the period when registration is closed. If he is found qualified, he must be registered and his name must be entered on the voting list as a registered voter for all later elections. Applicants who appear at the town clerk's/registrars' office during a closed period, must be permitted to register at that time, if qualified.

Registration sessions for a subsequent election are not specifically prohibited during the closed period, but it is suggested that they not be held during that time. Even if each person who registers during a closed period is informed that he is not eligible to vote in the next election, some voters will forget and show up at the polls expecting to vote. Greater confusion is likely to result if the person registered at a registration session.

IV. SCHEDULING REGISTRATION SESSIONS

The board of registrars is responsible for establishing the schedule, including the date, time and place, for all registration sessions to be held prior to elections.

EXCEPTIONS: For petitioned registration sessions, the location is specified in the general laws (see 51:30) or in a petition (see 51:42B). If the town has accepted 51:42C, the location and dates are specified. (see III. C. Petitioned Registration Sessions on page 30 and III. D. Schools and Colleges on page 30)

The registrars should also be certain that the location is a suitable one and that appropriate arrangements are made with the person having custody of the building in which the session is to be held.

A. REGISTRARS' MEETING

In some towns, the registrars formally vote at a board meeting to establish the date, time and place of the registration sessions, both those required by the General Laws or town bylaw and any optional sessions they decide to hold.

In other towns, the registrars delegate the responsibility for establishing the schedule to the town clerk, particularly if only the required sessions are to be held. The registrars should formally vote to make such a delegation and this vote should be recorded in the minutes of their meeting. However, even if the work has been delegated, the registrars might meet to establish one or more optional sessions if they have received a request for more than the required number or if they have received a petition.

B. WHEN TO ESTABLISH THE SCHEDULE

The time when the schedule should be established is not specified in the General Laws. However, it should be established well before the last day for registration and early enough to permit ample publicity before the first scheduled session.

In some towns, the registrars regularly meet in December or January in connection with the annual town census and the registration sessions for the annual town election and meeting, and in presidential election years, the sessions for the presidential primary, are established at that time. Also, the registrars regularly meet in June or July in state election years and establish the schedule for both the September primary and the November election at that time. They meet at least three weeks prior to a special town meeting to establish the schedule if more than the one required session is to be held.

Unless the establishment of the schedule has been delegated to the town clerk, the registrars should vote to set the date, the hours and the specific location of each session. In some towns, the town clerk prepares a list of required and recommended optional registration sessions prior to the meeting for consideration by the board. At the meeting, the board adopts the proposed schedule or adopts it with amendments desired by the board. If the board's signature stamp is to be used on the notices, the board should also vote to authorize its use at that time. (see V. D. Notice of Regular Registration Sessions on page 45)

C. NUMBER OF SESSIONS

The number of required registration sessions which must regularly be held prior to an election is outlined for each type of election under III. WHEN AND WHERE TO REGISTER, B. Registration Sessions on pages 24-29. Before each election, consideration should be given, however, to whether or not additional sessions should be held.

In some towns, more than the required number of sessions are regularly held before a presidential election when a large number of new voters usually register. In other towns, extra sessions are held upon request if the registrars believe there are enough persons who will register. For example, if a large number of dwelling units have been built in a particular section of the town since the last state election, the registrars may hold more than one session in that section.

Or, if a large area of the town is included in a precinct, two precinct sessions are sometimes held in different locations, one in the northerly portion and another in the southerly portion of the precinct, for example.

Also, if a particular election or town meeting has generated considerable controversy over candidates or issues, more than the required number of session may be needed.

The petition process can sometimes be avoided by scheduling additional registration sessions and sessions at housing for the elderly, nursing homes, schools, or in distant areas. The petition process requires time and effort by the registrars as well as by the petitioners. In addition, the public may become upset if it is forced to file a petition for a registration session and may assume that the registrars are deliberately attempting to keep certain citizens from registering or are placing administrative road blocks in their way. It is suggested that this type of public sentiment be avoided whenever possible.

Note, however, that the registrars must hold a registration session if a petition has been properly filed. In addition, if the town has accepted the provisions of 51:42C, the registrars must hold a registration session at each public and private high school and vocational school in the town.

D. HOURS

The hours during which a session must be held are specified in the General Laws for Saturday sessions and for sessions on the last day for registration before all primaries, elections and the town meetings. (see III. WHEN AND WHERE TO REGISTER, B. Registration Sessions on pages 24-29)

The hours during which precinct and night sessions required by the General Laws and the hours during which optional sessions are held are determined by the registrars. The hours should be set to provide the greatest convenience to as many persons as possible and so that the officials on duty are not spending most of their time simply waiting for an applicant to appear.

In many towns, the precinct sessions are held for two or more hours during the evening for the convenience of persons who work during the day. However, if there is a large number of persons in the precinct who are regularly available during the day, such as retirees or homemakers, a session for an hour or two in the morning may be desirable. The daytime hours should probably not coincide with mealtimes and it should be remembered that many elderly persons and young children nap shortly after lunch.

In some towns, the required night sessions begin immediately after the usual office closing hour at 5 P.M. and continue for two or more hours, from 5 P.M. to 7 or 8 P.M., for example. However, the night sessions may be held from 7 to 9 or 10 P.M. If the registrars' office, where these sessions must take place, is located on a road having rush hour traffic, the session might be scheduled for the hours during which traffic is the heaviest. But, some of the sessions, or additional optional night sessions, should continue long enough to accommodate those who wish to go home from work first and then come in to register on their way to a meeting, etc.

A session might be scheduled on the night of a school open house, a selectmen's meeting or when many boards or committees are meeting or at the time of a Newcomer's Club meeting, for example. In these cases, the sessions should probably begin before the open house or meetings are scheduled to begin to permit people to register on their way to the activity.

A registration session held in a nursing or rest home, should usually be scheduled in accordance with the administrator's or activity director's recommendation. He will be able to tell you the usual hour when the doctors' rounds are completed and the residents are ready to receive visitors. The director of a housing for the elderly complex will probably also be able to recommend convenient hours for a registration session at that location.

E. LOCATIONS [51:26,30]

In towns divided into precincts, the location for the required night sessions prior to the state biennial election and the annual town election/meeting is specified in the General Laws as the registrars' principal office. For precinct registration sessions, the location within the precinct is not specified. [51:30] For other registration sessions, the registrars may determine the location.

51:26 provides that the locations shall be ones the registrars *deem effective for the purpose of registering voters.* In towns not divided into precincts, the required night sessions are to be held in one or more *suitable places.* [51:30]

EXCEPTIONS: The location of sessions held by petition under 51:42B will be chosen by the petitioners and specified in the petition. The location of sessions held by petition under 51:30 must be *some suitable place* at least two miles from the registrar's office. If the town has accepted 51:42C, a session must be held at each high school or vocational school in the town.

A registration session may be and often is held in the town hall, fire or police station, school or other public building in the town. When no publicly owned building provides a suitable location, a private building such as a church, legion or grange hall, retail store, elderly housing complex, nursing home, etc. may be used.

In choosing a location for a registration session, the following should be considered:

1. Alcoholic Beverages

The presence of alcoholic beverages at registration sessions is not specifically prohibited by the General Laws. However, to avoid complaints from the public and possible disruption of the session, it is suggested that a session not be held in a bar or night club.

2. Distance From Prospective Voters

The distance prospective voters will need to travel from their homes should be considered. Try to locate the session in the center of the largest number of eligible persons. For example, if you are holding a session in a new large apartment complex, the office lobby is probably a good location. If there are several large apartment complexes in the area, the neighborhood store might be a good location.

If a large number of new homes has been built in one area of the town since the last state election, try to locate the session near the center of this area.

Or, you may want to locate the session as close as possible to the geographic center of your town, if residences are fairly evenly spread around the town.

3. Size and Shape of Area to be Used

There should be adequate space in the building in which the session is to be held so that applicants may easily get to the registration table. If the building is regularly used for other purposes, the space should be adequate so that registration does not interfere with the regular business conducted in the building.

If you are holding a session in a retail store or a market, the regular patrons should not be inconvenienced while they shop. There should be room for the registration table near the entrance or exit door without blocking the patrons' access to merchandise or the check-out counters.

4. Electrical Service - Lighting

No special electrical service is required for registration. However, the registration table should be placed in a well lighted area.

In addition, for night registration sessions, a parking lot outside the building should be well lighted. The lighting should be checked the night before the session to be certain that it is operating effectively. The entrance door to the registration session should also be well lighted for night sessions.

5. Parking

There should be a sufficient number of parking spaces available near the registration site so that applicants will not have to walk a long distance from their cars to the registration table. Whenever possible choose a building having an adjacent parking lot.

6. Accessibility

There are no requirements similar to those related to polling places, in either the General Laws or regulations requiring registration locations to be accessible to the handicapped or elderly. (see ELECTION FACILITIES AND EQUIPMENT, II. POLLING PLACES in Volume 3 of this series)

The federal Voting Accessibility for the Elderly and Handicapped Act [42 U.S.C. ss. 1973ee-1973ee-6] requires the cities and towns to provide a reasonable number of accessible permanent registration facilities only if the state does not provide an opportunity for each elderly or handicapped potential voter to register by mail or to register at the residence of such a voter.

At home registration is provided for under 51:42A. (see III. E. ABSENT REGISTRATION on page 32 and X. ABSENT REGISTRATION PROCEDURES on pages 81-84)

However, even though not required, consideration should be given to the handicapped and elderly and accessible locations should be chosen whenever possible. Many elderly or handicapped persons prefer to register at a registration session rather than take advantage of the absent registration provisions in the law. In addition, a location used regularly for registration, such as the town clerk's/registrars' office at town hall, which is not accessible or cannot be made permanently accessible, should be made temporarily accessible if possible.

7. Outdoor Registration Sessions

Petitioners or prospective voters sometimes request registration sessions at outdoor locations. For example, a petition may be received to hold a session at a park on a day when there will be a large public gathering. Or, a civic group may ask for a registration session on the town common or at the town dump.

Outdoor sessions are possible. It is suggested that arrangements be made to move the session to a nearby sheltered location in case there is a problem with inclement weather. For example, there may be an adjacent building in which the session could be held. Or, the petitioners may be asked to provide a tent or other shelter. If the session will be moved inside in bad weather, add this information to the publicity. (see D. NOTICES OF REGULAR REGISTRATION SESSIONS on page 45 and VIII. B. 9. Publicity on page 70)

If it is not possible to provide shelter, the outdoor session may be scheduled. However, be certain to include in the notice and publicity that the session will be held only if the weather permits it.

8. Visibility

The prospective voters should be able to find the registration location easily. If possible, the building should be on a main street in the town and easily seen from the street. If necessary, a directional sign should be placed at the street. If a side entrance must be used, a directional sign should be placed at the front of the building.

9. Mobile Registration Units

Mobile units may be used for voter registration sessions. [51:26] Such a unit might be a van or an RV containing enough room for a registration table and at least two chairs. If the unit is to be used for a night session, it must also contain interior lighting.

Note that the mobile unit must be stationed at a specific location during the hours specified in the required notice of registration sessions. It cannot simply be driven around an area stopping for a short time in one location and then moving on to the next location. For example, the unit may be stationed at the main entrance to the parking lot of an apartment complex or industrial park on Tuesday, September 27th from 5 - 6 P.M., the date, time and place appearing in the notice. The unit could be stationed at several different locations in the town on any given day, provided the date, time and place of each location is in the notice and the unit is at each place on time. (see D. NOTICE OF REGULAR REGISTRATION SESSIONS on page 45)

10. Door-to-Door Registration

It is possible for the registrars to arrange for door to door registration. In this case, it should be well publicized in advance and include in the notice and publicity that registrars or assistant registrars will be on certain streets at certain times on the dates specified. For example, the notice should state that the registrars will be on Center Street between Elm Street and Maple Avenue from 5 to 6 P.M. on September 23rd for the purpose of registering voters.

F. SAMPLE REGISTRATION SESSION SCHEDULES

1. For a November State Election

The following are examples of typical schedules for registration sessions held prior to a November state election which would comply with the General Laws. The state election of November 8, 1988 was used in the examples.

EXAMPLE ONE

Wednesday, September 21st, 7 - 9 P.M., Town Hall
(night session and Pct 1)
Monday, September 26th, 6 - 8 P.M., Jones School
(Pct 3)
Wednesday, September 28th, 7 - 9 P.M. Town Hall
(night session)

Thursday, September 29th, 7 - 9 P.M., South Fire Station
(Pct 2)
Saturday, October 1st, 9 A.M. - 5 P.M., Town Hall
(required Saturday session)
Thursday, October 6th, 7 - 9 P.M., Town Hall
(night session)
Saturday, October 8th, 2 - 4 P.M., North Fire Station
(Pct 4)
Tuesday, October 11th, 9 A.M. - 10 P.M., Town Hall
(close of registration)

The above schedule might be used in a town having 4 precincts and would provide more than the minimum number of required sessions. Note that the first session was held after the September 15th primary. It is suggested that the sessions for the November election not begin until after the September primary has been held to avoid confusion among voters concerning their right to vote in that primary. The September 21st session doubled as one of the required night sessions and as the required session for precinct 1. The required Saturday session had to be held on the second Saturday preceding the last day for registration since the first Saturday preceding the last day was less than two days before the October 10th holiday.

NOTE: In some towns, prior to the passage of 1987:488, one of the night sessions was combined with the required Saturday session since that session had to be held until 8 P.M. However, such a combination may no longer be made unless the hours of the Saturday session are extended later than 5 P.M.

EXAMPLE TWO

Monday, September 26th, 6:30 - 9 P.M. Town Hall
(night session)
Thursday, September 29th, 5 - 8 P.M., Town Hall
(night session)
Saturday, October 1st, 9 A.M. - 5 P.M., Town Hall
(required Saturday session)
Thursday, October 6th, 7 - 9 P.M., Town Hall
(night session)
Tuesday, October 11th, 9 A.M. - 10 P.M., Town Hall
(close of registration)

In towns having less than 300 registered voters, the hours on October 11th could be 2 - 4 P.M. and 7 - 10 P.M. instead of those shown above.

The above schedule shows the minimum number of sessions which would comply with the General Laws in a town without precincts. Such a schedule might be used in a town without precincts in which there are few persons eligible to register. However, it is suggested that more than the bare minimum number of sessions be scheduled in most towns prior to the November state election. In a town having precincts, the required precinct sessions would have to be added to the schedule above.

NOTE: For the 1988 November election, the three weeks prior to the close of registration during which a night session must be held were as follows: September 21st through the 27th, September 28th through October 4th and October 5th through the 11th.

2. For an Annual Town Election/Meeting

Schedules similar to those shown in the examples under 1. above could be established for an annual town election, except that the dates would be based upon the last day for registration on the 20th instead of the 28th day prior to the election.

However, since there is a Monday legal holiday in both January and February, the required Saturday session may have to be held on the second Saturday before the day on which registration closes as shown in the example below for an annual town election held on March 7th, 1988. (see 51:28)

EXAMPLE

Wednesday, January 27th, 7 - 9 P.M., Town Hall
(night session)
Wednesday, February 3rd, 6 - 8 P.M., Town Hall
(night session)
Saturday, February 6th, 9 A.M. - 5 P.M., Town Hall
(second Saturday before the last day of registration)
Wednesday, February 10th, 5 - 7 P.M., Town Hall
(night session)
Tuesday, February 16th, 9 A.M. - 10 P.M.
(close of registration)

In towns having less than 300 registered voters, the hours on February 18th could be 2 - 4 P.M. and 7 - 10 P.M. instead of those shown above.

In the above sample, the three night sessions are held separately. However, the February 3rd session might be combined with the Saturday session provided the hours were extended later than 5 P.M. The Saturday session must be held on February 6th since the first Saturday preceding the last day for registration is not more than two days before the legal holiday on February 15th. In precinct towns, a session in each precinct must be added unless the selectmen vote to eliminate the precinct sessions. [51:30]

Other sessions should be added if the registrars consider it advisable because of the large number of potential registrants or high level of interest in the annual election/meeting. (see B. 10. Annual Town Meetings on page 28 for information on registration sessions required when the meeting is less than 35 days before or after the election and when the meeting is 35 days or more before or after the election.)

NOTE: The sessions shown in the three sample schedules above are all regular registration sessions. Petitioned registration sessions must be held in addition and if the town has accepted the provisions of 51:42C, a registration session must be held in each public and private high school and vocational school in the town. (see III. C. PETITION REGISTRATION SESSIONS on page 30 and D. SCHOOLS AND COLLEGES on page 30)

V. PREPARING FOR REGISTRATION SESSIONS

A. PERSONNEL

Certain officials are required to conduct all registration sessions and other personnel may be needed or appropriate. Note that a registration official, who may be the town clerk or an assistant registrar, should also be in the office during all regular office hours to register voters, not just when registration sessions are being held. An office employee who is not an assistant registrar may not register voters.

1. Registrars/Assistant Registrars [51:24,33,42,52]

There must be at least one registrar or assistant registrar at each registration session since each applicant is required to complete and sign his affidavit in the presence of such an official. [51:42] The registrar may be a regular board member appointed under 51:15, the town clerk or a temporary registrar appointed under 51:20. (see BOARD OF REGISTRARS AND ELECTION COMMISSIONS, II. BOARD OF REGISTRARS on pages 1-8 and IV. TEMPORARY REGISTRARS on page 10) The assistant registrar present at a session may be either a regular assistant appointed for a one year term or a temporary assistant appointed for the purpose of registering voters at sessions required by Chapter 51. (See BOARD OF REGISTRARS AND ELECTION COMMISSIONS, V. ASSISTANT REGISTRARS on pages 10-13)

In some towns, two officials are present at some or all registration sessions and in that case, one must be a Democrat and the other a Republican. [51:24] The team of officials may be a combination of any two regardless of the specific title. For example, the team at any given session may consist of two registrars, a registrar and an assistant registrar, two regular assistants, a regular assistant and a temporary assistant, or two temporary assistants as long as the political parties are equally represented.

The registrar, or other registration official, must enforce regularity of the proceedings, maintain order in and about the place where a session is held and keep the access thereto open and unobstructed. [51:52]

The work of any assistant registrar is subject to review by the board. [51:24] The work of any one registrar is also subject to review by the board. [51:33]

2. Police [51:53; 56:57]

The officer in charge of the police force of a city or town shall, when requested by the registrars, detail a sufficient number of police officers to attend any meeting held by a registrar in the performance of his duties, and to preserve order and enforce his directions. [51:53] Police officers or constables shall arrest without a warrant any person detected in the act of violating any provisions of chapters 50-56 inclusive. [56:57]

The term *meeting* in 51:53 includes registration sessions. Usually a police officer is not needed at registration sessions held either in the office or at other locations. However, if a large number of people is expected to be present at a session, the presence of a police officer may be advisable to help control traffic or the lines of people waiting to register and the activities in the area.

In some towns, when campaign activity is particularly intense or a candidate or issue is very controversial, a police officer is assigned to a registration session to prevent the solicitation of votes or the distribution of campaign literature at the location. (see E. 1. Prohibited Activities on page 46 and 51:52A) The police officer would also help to maintain order and reasonable quiet at the session.

If the registrars decide to have a police officer present, the police chief should be contacted well before the day the session is to be held. In some towns, the request for a police officer is made through the board of selectmen. Be sure to include in your request, the date, hours during which the session is to be held, and the location. The police officer should arrive shortly before the session is to begin and remain until the last applicant has registered, or until he is released from duty by the official(s) conducting the session.

B. EQUIPMENT

If the session is held in the office, usually the counter space is used and the official(s) and applicants stand at the counter. However, at other registration sessions, a table and some chairs will be needed. Unless a large number of applicants is expected, one card table and two chairs, one for the official and the other for the applicant, will probably be adequate. If waiting lines are expected additional chairs may be provided for the convenience of applicants, particularly the elderly or handicapped.

If the session is to be held at a market or other private building, the registrars will probably have to provide the table and chairs. If it is to be held at a school, fire station or other public building, there will probably be a table and chairs available at the location.

In either case, well before the session is to be held, check with the building custodian, owner or manager to determine who is to provide the chairs and table and where they may be placed.

C. MATERIAL

1. Affidavit Forms

The officials who are to conduct the session will need a supply of blank regular forms for affidavits of registration. (see VI. A. 1. Regular Form on page 47) If the session is an out-of-office petitioned session held under 51:42B or a session at a school held under 51:42C, the officials should also have a supply of blank forms to be used for registering persons who are residents of other cities or towns. (see VI. A. 3. Out-of-Office Form on page 47) In towns having a Spanish speaking population, the officials should also have a supply of bilingual forms. (see VI. A. 2. Bilingual Forms on page 47)

It is essential that a sufficient number of blank forms is available in the office and at all registration sessions. An applicant should not be refused registration or told to return at another time simply because a form is not available.

2. Pens

The officials will also need a good supply of pens both for their own use and for use by the applicants. Since the affidavits of registration themselves are permanent records (unless microfilmed), it is recommended that pens having Massachusetts standard black ink be used. [51:41; state retention schedule #2.42] However, an affidavit should not be refused if the applicant has used his own pen.

If, however, an applicant has completed and signed an affidavit form in pencil, he should be asked to complete and sign another form in ink. The pencilled form should be destroyed.

3. General Register

In some towns, a general register is maintained even though such a register has not been required by the General Laws since 1974. (see 1973:1137) A general register is sometimes used top provide a record of registration on election day if an affidavit has been misfiled or misplaced.

If a general register is maintained, it should be available at each registration session so that all town residents who register at that time and place will be able to sign and enter the appropriate information in it. In some towns, more than one general register is maintained so that one is always available at the office and the other is available for other registration sessions, or a general register is available at each session when two are held at the same time at different locations. In other towns, a loose leaf general register is maintained and in that case, a number of blank pages are available at each registration session. These pages are added to the register book in the office after the session has been completed.

4. Party Change Cards

In many towns, a supply of party change cards is available at each registration session, particularly those held before a primary. It is likely that some of those who appear at a session either in or out of the office will already be registered voters who wish only to change their party enrollment. They should be permitted to do so at any registration session. (see PREPARING ELECTION MATERIAL, VI. MISCELLANEOUS, A.8. Party Change Cards in Volume 3 of this series)

5. Applications for Absentee Ballots

In some towns, a supply of applications for absentee ballots is available at each registration session so that registrants who will need an absentee ballot may complete the application form immediately after they register. (see ABSENTEE BALLOTS in Volume 3 of this series for information on absentee ballot applications)

6. Certificate of Permanent Disability Forms [54:86]

In some towns, a supply of certificates of permanent disability forms is available at registration sessions held in a nursing or rest home, other long term care facility or housing for elderly or handicapped persons. These forms may be completed and signed by a physician during the registration session or left with the activities director or manager. (see ABSENTEE BALLOTS, III.F. PHYSICALLY DISABLED APPLICANTS in Volume 3 of this series for further information on certificates of permanent disability)

7. Forms Containing Additional Questions for Prisoners (see sample form on page 99)

If the registration session is to be held in a prison, the registrars should obtain information, in addition to that appearing on the affidavit of registration, from each prisoner to substantiate that he has established residence in the town. It is suggested that forms containing these additional questions be prepared before the session and be available at the session. (see VII. B. 3. - Residence on page 50)

8. Poster Containing 56:7 and 56:9 [51:12] (see sample poster on page 100)

At every place where voters are registered, the registrars shall post in a conspicuous place a copy of 56:7 providing penalties for fraudulent registration and 56:9 providing penalties for misconduct at any registration place. These two general law sections must be printed on white paper with black ink, in type not less than 1/4" wide and should be posted in the registrars' principal office, at every regular registration session, at every petitioned registration session and at every high school and vocational school in the room where registration takes place.

NOTE: 56:7 and 56:9 are not required to be posted where absent registration under 51:42A is taking place.

The text of the two sections exactly as it appears in the General Laws should be used. It may be typed on ordinary paper if you have a large enough type available. The paper may then be taped to a piece of poster board so that it will be more durable. Or, you may have the text printed on a number of cards, one to be posted in the office and others to be given to the officials conducting registration sessions.

9. Cards for Waiting Applicants [51:34]

On the last day for registration, applicants who are waiting in line at 10 P.M. must be permitted to register if qualified. For identification, each person in line should be given a card or paper bearing his name. [51:34]

It is impossible to prepare cards before the registration sessions since there is no way to determine who may be waiting in line at 10 P.M. A pad of scratch paper or a supply of colored cards about 2" X 4" may be provided. When a paper or card is given out to a waiting applicant, he should write his name on it.

If all waiting applicants are inside the door of the registration room and a police officer or registration official is stationed at the end of the line, it is not necessary to hand out a paper or card. If, however, applicants are waiting in line outside the entrance door, a paper or card should probably be handed out, unless the official at the end has a clear view of the entire line. (see VII. C. 1. All Registrations Places Open to Public on page 53)

D. NOTICE OF REGULAR REGISTRATION SESSIONS [50:5; 51:32,57; 1988:296; 56:10]

(see sample notices on pages 101 and 102)

The registrars shall seasonably post or publish notices stating the places and hours for holding all registration sessions, including the final session preceding any election. [51:32]

NOTE: Prior to the passage of 1988:296, the notice had to state that after 10 P.M. in the evening of the last day for registration the registrars will not, until after the next election, add any names to the annual register of voters except those who have registered between the December 31st preceding and the close of registration. 1988:296 deleted the requirement for this statement from 51:32.

If notices are posted, they must be posted at the same places as voting lists, or as near as possible. [50:5] The voting list must be posted in the registrars' principal office and in one or more public places in the town. If the town is divided into precincts, it must be posted in each precinct. [51:57]

A sufficient number of notices should be posted around town so that the public is given fair warning of the registration sessions. It is suggested that a notice be posted on the official bulletin board where meeting notices are posted, in the public library, and in other public buildings where a large number of residents are likely to see it. If permission from the postmaster can be obtained, the notice should also be posted in the post office. If permission from the owner or manager can be obtained, the notice may be posted in a drug store, market, or other retail store where it will be seen by residents. It is suggested that more than the required number of notices be posted.

Printed forms to be used for the notices are available commercially. These contain spaces for listing the dates, times and locations of the sessions. Note that the notice in the commercial sample shown on page 102 has been adjusted to include the hour and date of the close of registration and the text of 51:2 has been adjusted to reflect 1985:477. These adjustments should be made, if necessary, in the commercial form you use.

NOTE: If petitioned registration sessions or sessions at high school and vocational schools have been scheduled at the time the notices are prepared, those sessions may be included on the notice.

The registrars should sign, or their signature stamp should be used on the notice posted in their principal office. On the notices to be posted elsewhere, the registrars names may be typed. Or, a photocopy of the notice containing the registrars' signatures may be posted in other locations.

The penalty for wilfully defacing or removing a notice relating to the registration of voters, posted according to law, is a fine of not more than $100.00 or imprisonment for not more than 6 months. [56:10]

The schedule of registration sessions may be published in the local newspaper instead of being posted. In that case, it would probably be published as a paid legal notice and all the required information must be included.

As much publicity as possible should be given to the dates, times and places of registration sessions. Whether you post notices around town or publish the session schedule as a legal ad, it is suggested that you prepare news releases for the local newspapers for publication before the first session and each week during which registration sessions are being held. Most newspapers will print these releases as a public service. In addition, send the registration session schedule to the local radio and cable TV stations since most local stations will broadcast the information as a public service announcement.

NOTE: It is suggested that a copy of the notice of registration sessions be sent to the assistant registrar(s) appointed under 51:42E at high schools and vocational schools. They should be informed of at least the date and hour that registration closes before each election and may wish to post the notice at the school to provide additional publicity for voter registration.

E. PROHIBITED ACTIVITIES [51:52A; 56:9]

1. Soliciting Votes or Distributing Campaign Literature [51:52A]

No candidate for public office, or any person acting on behalf of a candidate, shall solicit votes or distribute campaign literature in any office where the registration of voters is being conducted. The penalty on whoever does so is a fine of not more than $100.00 or imprisonment for not more than one year in a house of correction. [51:52A]

Note that, unlike 54:65 related to campaign activities at the polls on election day, this section of the General Laws prohibits the solicitation of votes as well as the distribution of literature. A candidate, or someone acting on his behalf, may not be permitted to campaign verbally in the office among the applicants who are registering to vote even if he has no campaign material with him or is not wearing a tag with the candidate's name or logo. Any person engaged in such activity or handing out campaign material should immediately be asked to stop it or, if necessary, to leave the office. A police officer or constable should enforce 51:52A, if necessary, and under 56:57 may arrest the violator without a warrant.

At registration sessions where an office is not being used, such as in a market or drug store, soliciting votes and distributing campaign literature is prohibited in the immediate area of the registration table. However, such activity could not be prohibited a distance away from the registration area at the end of a long line of waiting applicants, for example. But, such activity should not be permitted to disrupt the conduct of the registration session. (see 2. below)

2. Disturbing or Interfering with Voter Registration [56:9]

Disturbing or interfering with the proceedings at any registration place, either in the office during regular office hours or during a registration session, or at an out-of-office registration session, is prohibited. The penalty for doing so is a fine of not more than $100.00. [56:9]

VI. REGISTRATION FORMS [51:36,42B]

The form to be used for voter registration is called the affidavit of registration.

A. TYPES OF FORMS

There are three types of affidavit of registration forms.

1. Regular Form [51:36] (see sample form on page 103)

The form most often used is for English speaking applicants, and is to be prepared by the registrars in substantially the form appearing in 51:36.

Affidavit of registration forms are available commercially. These are printed on index card stock and contain two sections, an original and a duplicate. The card may be folded along the center perforation and used with a carbon paper so that the applicant completes the original and the copy at the same time. However, if a photocopy of the completed card is made for transmittal to the town of prior residence, the original and copy can be separated and both used as an original to save money. (see E. 1. Transmit Copy of Affidavit on page 59) Forms may be obtained in a 4" X 6" or a 5" X 8 1/2" size.

Affidavit of registration forms may also be designed by the registrars and printed or duplicated on office equipment, provided they contain all the information required by and are substantially in the form specified in 51:36.

2. Bilingual Form [51:36] (see sample form on page 104)

The state secretary must prepare and, upon request, provide to town clerks and boards of registrars bilingual, English-Spanish, copies of the affidavit of registration. This form must be provided to Spanish speaking applicants. The form is about 5 3/4" X 9 1/4" on NCR paper and is prepared in triplicate, one copy for the office file, one for keypunching if data processing is used and a pink copy for the applicant.

The information required and the statement to be signed appear both in English and in Spanish, side by side on the form.

To obtain a supply of bilingual forms, contact the Elections Division, 617-727-2828 or 1-800-462-8683.

3. Out-of-Office Form [51:42B,42C,42E; 1987:438; 1988:281] (see sample form on page 105)

A special form, prescribed by the state secretary and available from the Elections Division, is to be used at petitioned out-of-office registration sessions [51:42B] and at high schools and vocational schools [51:42C,42E; 1987:438; 1988:281] for registering persons who live in other cities or towns. The form is about 5" X 8 1/2" and is provided in triplicate on NCR paper, one copy for the registrars of the registrant's home town, one for the registrars who registered him and one pink copy for the registrant. There are two separate forms, one in English and the other in Spanish.

These forms contain the same information as is required on a regular form. In addition, spaces for the registrant's height, the city or town where the person registered and proof of residence presented, if any, are provided on the form. The statement *A copy of this document may be forwarded to the Department of Revenue and the Registry of Motor Vehicles* is also required to be printed on the form.

To obtain a supply of these forms, contact the Elections Division, 617-727-2828 or 1-800-462-8683.

B. NUMBER REQUIRED

1. Regular Forms [51:36]

With respect to the regular form (see A. 1. on page 47), the General Laws specify only that the registrars shall prepare the forms *in sufficient quantity*. The number needed during a given year will depend primarily upon the number of elections to be held and whether or not a presidential election will take place.

The number may be estimated by counting the number of new voters who registered in a prior year in which the same number and type of elections were held. This number may be obtained from supplementary voting lists of that year or if one is maintained, from the general register of voters. It is suggested that you keep on hand well over the estimated number since many more voters may register before any given election due to the level of campaigning and the issues involved. An applicant may not be refused registration simply because you do not have forms available. If necessary, a blank form may be photocopied but having a paper form mixed in with cards in the affidavit file will make the file more difficult to use.

2. Bilingual Forms

The number of bilingual forms needed during a year will depend upon the size of the Spanish speaking community in your town. In many towns, there is seldom a need for these forms. In that case, it is suggested that you keep a few forms on hand in the event that a Spanish speaking person wishes to register.

3. Out-of-Office Forms

The number of out-of-office forms needed will depend upon the number of petitioned out-of-office registration sessions usually held and the likelihood that residents of other towns will register at these sessions and the number of students and employees, who live in other towns, likely to register at high schools and vocational schools. A supply of these forms should be provided to the assistant registrars at high schools and vocational schools and kept on hand in the office.

VII. REGISTRATION PROCEDURES

(see also VIII. PETITIONED REGISTRATION SESSION PROCEDURES on page 68, IX. SCHOOL, COLLEGE & UNIVERSITY REGISTRATION PROCEDURE on page 77, and VIII. ABSENT REGISTRATION PROCEDURES on page 81)

Registration as a voter shall be by affidavit of registration made in conformity with the requirements of Chapter 51. [51:42] The procedures to be used are as follows:

A. APPLICANTS TO APPEAR IN PERSON [51:42,42A]

Every person who wishes to register as a voter must appear and make an affidavit of registration before a registrar or assistant registrar. In most cases, the applicant will appear in the town clerk's/registrars' office or at one of the registration sessions held out of the office. [51:42]

A physically disabled person who files an application, may register in his home or elsewhere in the town. In that case, however, he must register in the presence of two registrars, assistant registrars or absent registration officers. [51:42A]

B. INFORMATION TO BE ENTERED ON AFFIDAVIT [51:36,44,45A; 151B:4(15)]

Chapter 51 section 44 requires that a person seeking to register shall complete an affidavit of registration on the form prescribed in 51:36. If the applicant cannot enter the information himself because of physical disability, it may be entered by the registration official or by another person chosen by the applicant.

To avoid illegible entries, some registration officials enter the required information on the forms for all applicants including those not physically disabled. In some towns, the registration officials regularly enter the required information on the forms for all applicants in nursing homes. The applicant only signs the form.

The following information must be entered:

1. Date

At the top right corner of a regular form and near the bottom of a form provided by the state secretary, the date on which the person completed the form should be entered. 51:44 requires that the registrar, assistant registrar or absent registration officer shall date the affidavit. However, applicants usually enter this date on regular forms and doing so does not invalidate the affidavit. It is essential that each affidavit form is dated since you may have to prove the date of registration at a later time, during a recount or the proceedings related to an objection to nomination papers, for example.

2. Name

The applicant should print his name on the first line of the form. If he enters his last name first, it is usually easier to process the affidavit. However, if he does not, the affidavit is not invalidated. 51:36 requires that the name be *written in full, or instead thereof the surname and first christian [given] name or that name by which he is generally known, written in full, and the initial of every other name which he may have.* In addition, a person who has chosen to retain his own surname at marriage shall enter that surname on the affidavit. Each person should use his own name. For example, Mary Jane Smith should use that name, not Mrs. John J. Smith.

If an applicant uses a suffix, such as Sr., Jr., III, etc. he should enter that on the form. Titles, such as Mr., Mrs., Miss, Ms., Dr. should not be entered, but will not invalidate the affidavit.

The General Laws provide an applicant considerable leeway in the name in which he wishes to be registered. For example, Charles James Brown may register using his full name or as Charles J. Brown, C. James Brown, or C. J. Brown. Sometimes an applicant asks how he should enter his name. The registration official may suggest that he use the same form as he uses in signing checks or other official papers since this will make it easier to remember how he registered if he should wish to sign petitions or nomination papers at a later time.

In addition, it shall be an unlawful practice for any person responsible for recording the name of an individual for any purpose to require such individual to use, because of such individual's sex or marital status, any surname other than the one by which such individual is generally known. [151B:4(15)]

3. Residence

The house number, if any, the name of the street, the name of the town, state and the zip code should be entered. If the applicant lives in an apartment, the apartment number should also be entered. In some towns, the name of the town, Massachusetts, Mass. or MA and the zip code are preprinted or stamped on the forms before they are given to applicants.

The information entered on this line must be the applicant's present residence. The address must be in your town, unless the person is registering at a petitioned out-of-office registration session or at a high school or vocational school and the out-of-office form is being used. (see A. 3. Out-of-Office Form on page 47; VIII. C. PLACES OF EMPLOYMENT OF PRINCIPAL ACTIVITY on page 71; and IX. A. PUBLIC AND PRIVATE HIGH SCHOOLS AND VOCATIONAL SCHOOLS on page 77)

The person must be actually living at the current address he enters on the affidavit form. On occasion, particularly before a presidential election, an applicant states that he will be moving into town soon and asks if he may register. In this case, he should be informed that he may not register until after he has moved. If he is not moving until after the close of registration for the next election, he should register in the town in which he is currently living, or if already registered there, he should go to that town on election day to vote or apply for an absentee ballot from that town.

NOTE: A *homeless* person has the same constitutional and statutory right to register and to vote as any other person eighteen years of age, not under guardianship and not temporarily or permanently disqualified by law because of corrupt practices in respect to elections. If a *homeless* person is living in a place with an identifiable address, such as a homeless shelter or an abandoned building, and intends to make that place his home for the time at least, that is his domicil for voting purposes. He may register in the city or town where that building is located and enter the address of the building on his affidavit of registration. If a *homeless* person claims to be living in a place with no identifiable residential address, such as a park bench, but he stays at a shelter and can receive mail there, the address of the shelter may be entered on his affidavit of registration. Otherwise, his last residential address in your town may be entered. (see *The Public Recorder*, September, 1987)

4. Residence on January 1 if Different from Above

If the applicant has moved since the January first immediately preceding his registration, he should enter his former address. This item will be left blank on many affidavits of registration.

However, if the address entered is in your town, ask the applicant if he has already registered and if so, check the voter registration records. If his name is found, inform him that he does not need to register again. The applicant may think he has to register prior to each election, particularly if he has moved to your town from another state.

Note: If his address should have been changed on the registration records, make a note to correct it. In precinct towns however, if you find no record of a new address in the most recent census records, have the voter complete a change of residence request so that his name will appear at his current residence on the voting list to be used in the next election. (see 51:3 and PREPARING ELECTION MATERIALS, V. VOTING LISTS in Volume 3 of this series)

5. Last Previous Residence in Another City or Town

The address where the applicant lived just prior to moving into your town should be entered. Some applicants have difficulty in remembering the street address, particularly if they moved a number of years ago but did not register shortly after moving into your town. In that case, the applicant should enter the city or town, the state, and if possible, the zip code.

If an applicant states that he was not registered to vote at his last previous residence, ask him to add the previous residence where he was registered and enter next to it *(registered)* or *(reg.)*.

NOTE: The purpose of obtaining the applicant's previous address is to help insure that his name is removed from the voter registration records in the city or town from which he moved. (see E. 1. Transmit Copy of Affidavit on page 59)

6. Name Used

The applicant should enter the name he used at his last previous residence only if it is different from the name entered on the first line of the affidavit. In most cases, this line will be left blank. This information is needed to assist the registration officials of the city or town of previous residence in finding the person's name in the voter registration records so that it can be removed.

7. Date of Birth

The month, day and year of birth should be entered.

8. Place of Birth

The city or town, state and if applicable, country of birth should be entered.

9. U.S. Citizen

On the line above *U.S. citizen* on the regular form, the word *yes* must be entered.

NOTE: On the forms provided by the state secretary, citizenship does not appear as a question. The applicant needs only to check the appropriate box.

10. Birth Naturalization

The box for either *Birth* or *Naturalization* should be checked. A person born in the United States is a citizen by birth. A person born outside of the United States may be a citizen by birth. For example, a person born overseas to parents who are U.S. citizens, is a citizen by birth. (see page 106 for further information) Note that a naturalized citizen is no longer required to present his naturalization papers at the time he registers, but may do so if he wishes. If he does, the registrar should enter in the margin of the affidavit *naturalization papers shown* or some similar words. [51:45A]

11. Occupation

The type of work the applicant does, such as carpenter, engineer, lawyer, should be entered, not the company for which he works.

12. Enrolling in a Political Party

The applicant may enroll in a political party by making a check mark in the box after the name of the appropriate party on the form. If he does not wish to enroll, he may enter *No* or make no entry on a regular form, or check the box for *NO* on a form provided by the state secretary.

13. Signature of Applicant

The applicant must sign his own name, unless he is unable to do so. In that case, he should make his mark which shall be witnessed by the registrar, assistant registrar or absent registration official. [51:44] Note that the General Laws do not specify a cause, such as physical disability, for the inability to sign although, in most cases, that will be the cause.

NOTE: While not required by the General Laws, it is suggested that, for clarity, the registration official enter a note, such as *applicant unable to sign* next to the applicant's mark if he was unable to sign his name.

The applicant must sign the form under the pains and penalties of perjury and by doing so swears or affirms that all the information he has entered is true, that he is a United States citizen, that he is not under guardianship, that he is not disqualified by law from voting because of being convicted of corrupt practices and that he considers this residence to be his home.

In some towns, the registration official mentions to each applicant that the affidavit is to be signed under the penalties of perjury and suggests that he read the statement before signing.

C. REGISTRATION OFFICIALS' DUTIES

1. Registration Places Open to Public [51:34,40]

The registrars shall perform their duties in open session. [51:40] The public must be permitted to be present at all places where voter registration is taking place in the town whether in a private or public building, in the office during regular hours or at a scheduled session at any location. The entrance door to the building where a registration session is to be held should be unlocked not later than the hour specified in the notice for the session to begin and remain unlocked until the time the registration session is scheduled to end.

However, 51:34 requires that on the last day for registration, applicants who are waiting in line at 10 P.M. must be permitted to register if qualified and each person must be given a card or paper bearing his name. (see V. C. 9. Cards for Waiting Applicants on page 44)

NOTE: While the provision of 51:34 specifically relates only to persons in line at the close of registration, those in line at the time any registration session is scheduled to end should be permitted to register.

The registration official should be certain that no other persons get in line after 10 P.M. or register if they were not already in line at that time. If possible, have all waiting applicants move inside the building or the room being used for registration and close the door. Or, an official or police officer may be stationed at the end of the line to prevent others from getting in line. If the official has a clear view from the end of the line, handing out a card is probably not necessary.

2. Checking the Affidavit [51:40,44,47,47A]

Immediately after the applicant has completed and signed the affidavit, the registration official in whose presence the affidavit was completed should check each item carefully. If required information is missing, the applicant should be asked to enter it. Also, be certain that all information entered is legible. If you have trouble reading an entry, check the spelling with the applicant and print the information directly above his entry, or ask the applicant to print it more clearly and initial it.

NOTE: If the registration official has entered the information, he would check spelling with the applicant at that time. (see VII. B. INFORMATION TO BE ENTERED ON AFFIDAVIT on page 49)

The following procedures are suggested with respect to the items shown below:

a. applicant's name and signature

First, read the applicant's name aloud since the registration official is required to announce the name of every person registering to vote. [51:40] In some towns, the registration official also spells the applicant's name aloud to be sure he has read it correctly.

Check to be sure that the name entered at the top of the affidavit is in the same form as the applicant's signature. For example, if the applicant has entered, Jones, John James on the first line of the affidavit but his signature is John J. Jones, ask him how he wishes to have his name appear on the voting list. If as John J. Jones, put brackets around *aims* in his middle name on the first line so that his name would appear as *Jones, John J[aims]* on that line. This will help prevent his name being entered on the voting list in the wrong form.

In some towns, the applicant is asked to complete a new affidavit form instead of making any changes on the first affidavit. The first affidavit is then destroyed. In other towns, the form of the name as it appears in the signature is entered on the voting list even if it is different from the form on the first line of the affidavit.

In any event, erasures should not appear on an affidavit. If an item is crossed out and the correction entered next to it, the applicant should initial the change.

NOTE: If the applicant is unable to sign his name, he should make his mark on the line provided for signature. This mark will be witnessed by the registration official as required by law when he signs the affidavit. (see 3. Certify and Date Affidavit on page 57) [51:44] It is suggested that the official enter a note *applicant unable to sign* next to the mark.

While the General Laws permit considerable leeway in the form of an applicant's name entered on his affidavit, registering a person in his full name may cause a problem in preparing the voting list if data processing is used and if the name is very long. The number of characters permitted in a name data field is usually limited to about 24. If there are more characters in a name, such as Christopher Broadhurst Stanisfield Davenport, the full name will not print out correctly and will have to be corrected by hand on the voting list to be used in an election. In this case, inform the applicant of the problem. It is unlikely that the applicant regularly signs checks using his entire name and he may be willing to use initials instead of the two middle names. If not, however, he should be permitted to register using all names written out in full.

A similar problem may occur if an applicant who registers in a very long name later decides to run for office in a town using voting machines. It would be very difficult, if not impossible to print the entire name on the candidate ballot label.

b. residence

Check the current residence entered by the applicant to be certain that it is an address in your town. If an address in another town is entered, inform the applicant that he is not eligible to register in your town and that he must register to vote in the town where he lives. [51:47] (see Dane v. Brd. of Reg. of Voters, (1978) 371 N.E.2d, 1358, 1369; 374 Mass. 152) Note in the margin of the affidavit *not a resident* or some similar words so that the affidavit does not get processed by mistake. Do not destroy the affidavit since it is a public record and may later be needed if there is litigation.

NOTE: If a resident of another city or town is registering at a petitioned registration session or at a high school or vocational school using an out-of-office form, the current address should be out of town. (see 51:42B, 42C, 42E)

If the street address entered is an apartment building, but the applicant has not entered his apartment number, ask him to add it.

If, however, the applicant has entered an address in your town, he should not be asked to prove, at the time of registration, that he is a town resident even if the registration official has some reason to believe that the person lives in the town only part of the time, that he does not live at the address entered, that the address is not a dwelling unit or that the street does not exist.

In addition, the registration official should not question an applicant whose address is a school dormitory or who has entered *student* as his occupation. Special tests or standards may not be applied to students at the time of registration. A student old enough to register, may establish residence for voting purposes in the town in which he attends school if he actually lives in the town and intends to make it his home at least for a time, whether or not he receives financial support from his parents. (see Hershkoff v. Brd. of Reg. of Voters, (1974) 321 N.E.2d 656:366 Mass. 570)

A person living on a military base or in a federal institution may also establish residence in a town and be entitled to register as a voter. The fact that he is living on federally owned land does not automatically preclude him from registering provided his address at that location is within the town. (see Op. Atty. Gen. Oct. 5, 1970, p. 55)

The applicant needs to prove residence at the time of registration only by signing his affidavit under the pains and penalties of perjury and the registration official may not ask additional questions, such as location of bank accounts, automobile registration or insurance, etc., at that time to obtain additional evidence of residence. If the applicant enters an address in your town, the registration official should accept the affidavit even if he doubts that the address exists or is correct. The affidavit should be brought to the attention of the board of registrars and a complaint filed later, if necessary.

(see D. EXAMINE AFFIDAVITS on page 58 and XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION on page 86)

EXCEPTION: Prisoners at state correctional institutions are presumed not to have their residences there, but rather to have retained the residences they had before incarceration. In this case, the registrars have a right and a duty to satisfy themselves that the prisoner has acquired voting domicil at the institution. They must permit a prisoner to overcome the presumption of non-residence by asking additional questions at the time of registration. Questions would include where the prisoner lived immediately prior to incarceration, where he goes on furlough, where his bank account is located, where his car is registered, the address shown on his driver's license, etc. In most cases, prisoners are not residents of the town in which the correctional institution is located. (see Dane v. Brd. of Reg. of Voters, (1978) 371 N.E.2d 1358; 374 Mass. 152) It is suggested that a question form similar to that shown in the sample on page be used to ensure that each prisoner is asked the same questions.

NOTE: A resident of long term health care facilities, such as nursing or rest homes, etc. may establish residence in the town where the facility is located and be entitled to register, unless he is under guardianship. (see II. D. PERSON UNDER GUARDIANSHIP on page 22 and Coulombre v. Brd. of Reg. of Voters, (1975) 326 N.E.2d 360; 3 Mass. App. Ct. 206) However, in some cases, particularly for persons who formerly lived in another state, registration in the town may affect the administration of their estates or benefits received from their former state. It is recommended that the registrars ask the activities director to inform the residents of this prior to the time a registration session is held in the facility so that the residents may determine whether or not they should register to vote.

c. date of birth

Check the date of birth carefully to be certain that the applicant will be at least 18 years old by the day of the next election. Note that a person whose 18th birthday is the day following the election is eligible to register. For example, a person whose date of birth is November 9, 1970 was eligible to register and vote in the November 8, 1988 state election.

If however, the date of birth entered shows that the person will not be 18 by the next election, he may not be permitted to register until after that election. [51:47A]

On occasion, an applicant objects to entering his date of birth on the affidavit. Sometimes such an applicant may enter *over 18* or *over 21*. In that case, inform him that his date of birth is required by the General Laws and if necessary, show him a copy of 51:36 and 51:44. If he refuses to enter the information, his affidavit may not be accepted and he should be so informed.

d. citizenship

If the applicant enters a place of birth outside the United States and does not answer the question relative to citizenship, ask him to check the appropriate box to indicate whether he is a U.S. citizen by birth or by naturalization.

If, however, he enters *no* above the question *U.S. citizen* check with the applicant to be certain he intended to answer *no*. If so, or if he states, when asked to check the box after birth or naturalization, that he is not a citizen, inform him that he is not eligible to register as a voter. On occasion, an alien will insist that since he owns property and pays taxes in the town, he should be entitled to vote. Inform him that property ownership and paying taxes by themselves do not establish voting rights and that only U.S. citizens may be permitted to register and to vote. If necessary, show him 51:1 and inform him that the term *citizen* in the first line of that section refers to U.S. citizens, not to the generic term *citizen*. Or, if necessary, suggest that he contact the consulate of the country of which he is a citizen or the Elections Division at 617-727-2828 or 1-800-462-8683.

e. party enrollment

If the applicant did not check a box after *Do you wish to enroll in a political party*?, it is suggested he be asked if he overlooked this question.

The laws relative to party enrollment vary from state to state and an applicant who moved into your town from another state may need an explanation of Massachusetts law in order to decide whether or not to enroll in a party. Inform him that he may, but is not required to, enroll when he registers. Or, he may enroll at a later time and once enrolled, may change or cancel his enrollment by completing and filing a party change card. Also, inform him of the laws relative to voting in a primary and subsequently changing or cancelling party enrollment. (see 53:37,37A,38)

3. Certify and Date Affidavit [51:33,44]

The registration official must certify that the affidavit was signed in his presence and shall date the affidavit. [51:44] The official certifies the affidavit simply by signing his name on the line provided on the form after *Witness*.

He should certify the affidavit even if he has doubts that the applicant is eligible to register, unless facts entered on the affidavit clearly establish that he is not qualified. A questionable affidavit should be kept separate from others and brought to the attention of the full board of registrars later. The board may review the work of one registrar or assistant registrar [51:33] and must decide the question of eligibility using procedures provided in the General Laws. (see 51:47B,48,49)

It is suggested that the registration official not comment to the registrant about his doubts since doing so might provoke an argument. He will receive proper notice from the board of registrars at a later time if, after review, it has questions concerning eligibility. (see D. Examine Affidavits on page 58 and XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION on page 86)

If the date has not already been entered, the official should enter it on the line provided on the form.

4. Return Materials to Office

Immediately following an outside registration session, the officials should return all materials to the office, including completed and unused affidavits, completed certificates of permanent disability and applications for absentee ballots, the general register, completed party change cards, etc. It is essential that all of the completed and signed forms reach the office safely and are placed in a secure location there.

NOTE: The registration officials should be certain that the room in which the registration session was held is cleared of any litter and that the tables and chairs are returned to the proper locations.

D. EXAMINE AFFIDAVITS [51:47]

Ordinarily, the board of registrars would not examine each affidavit of registration accepted and signed by one registration official. However, if the official had been uncertain at the time of registration that the person was eligible to register, that affidavit should be brought to the board's attention for examination. Also, if an omission were overlooked at the time of registration, that affidavit should also be brought to the board's attention.

NOTE: If an out-of-office form completed and signed by a resident of your town has been received from the registrars of another city or town, it should be examined the same as a regular affidavit of registration.

If, after the examination, it appears from the facts set forth in the affidavit that the person is not qualified to be registered as a voter or that the affidavit is incomplete, the board of registrars may decline to enter his name in the annual register. In that case, the registrars must notify the person and give him a reasonable opportunity to remedy the defects in his affidavit. [51:47] (see sample notices on pages 107 and 108)

In addition, if it is found that some information, such as a date of birth, entered on an affidavit of registration is different from information appearing on the annual town census report, the registrars may send a notice asking the person for clarification so that the error may be corrected in the appropriate record. (see sample notice on page 109)

The person does not need to attend a registrars' meeting to supply or correct information. He may do so by mail or come to the office. He may give the requested information by telephone, if necessary, but doing so by mail or in person is preferable. However, the applicant must appear in person if he neglected to sign his affidavit.

NOTE: The person does not need to present evidence at this time to substantiate the information he is supplying. Evidence would be presented later at a hearing if a complaint is filed. (see XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION on page 86)

If the person supplies the information by mail, it should be attached to his affidavit of registration. If he appears at the town clerk's/registrars' office, he should enter the information directly on his affidavit of registration. If information is given by telephone, enter in the margin of the affidavit *info supplied by telephone [date]* or words to that effect.

If, after giving the person an opportunity to correct deficiencies, the registrars are still not satisfied that the affidavit meets the requirements of Chapter 51, they shall not accept it. A notice including the reasons for not accepting the affidavit should be sent. (see sample notice on page 110)

If, however, the board finds that the affidavit is acceptable, it is suggested that you also notify the registrant of that finding so that he will not be in doubt about his status. This notification may be by telephone or letter.

NOTE: If the person disagrees with the registrars' determination to reject his affidavit, he may appeal to the court. (see 56:59) If a registered voter of the town disagrees with the registrars' determination to accept an affidavit, he may file a formal complaint with the board of registrars and subsequently take the matter to court. (see XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION on page 86)

E. PROCESSING AFFIDAVITS OF REGISTRATION

Under the General Laws, the board of registrars is responsible for processing affidavits of registration. However, in most towns, the actual work is done by the town clerk, as clerk to the board, and his office staff. The details of how affidavits are to be processed are not specified in the law and these vary depending upon the circumstances in each town and whether or not data processing is used. The following steps are suggested. Note that some of these steps are required by the General Laws as indicated in the text.

NOTE: If an out-of-office form completed and signed by a resident of your town has been received from the registrars of another city or town, it should be processed the same as a regular affidavit of registration.

1. Transmit Copy of Affidavit [51:36,46A]

Upon receipt of an affidavit of registration, the registrars must transmit a duplicate copy of it to the registrars of the city or town where the registrant last resided. If the registrant indicated that his previous residence was in another state, the duplicate copy should be sent to the state secretary of that state. If he entered two previous residences because he was not registered in the most recent previous residence, it is suggested that you send a copy of the affidavit to the registrars or state secretary in both places.

EXCEPTION: If the affidavit has been determined unacceptable under 51:47, a copy should not be transmitted.

The purpose of transmitting the duplicate copy is to notify the registrars of the town of previous residence that the person's name should be removed from that voting list. Affidavits received on or close to the last day for registration should not be allowed to accumulate before taking this step in processing, particularly prior to a presidential election.

The duplicate copy may be the duplicate card provided with commercially available regular affidavit forms. If a bilingual affidavit form was used, the duplicate transmitted may be the keypunch copy if that is not needed for processing. Or, in either case, a photocopy of the original affidavit may be transmitted.

NOTE: A photocopy of an out-of-office form completed and signed by a resident of your town must be made and transmitted to the city, town or state of previous residence since only one copy, the HOME REGISTRARS' COPY, will be forwarded to you by the registrars of the city or town in which the person registered.

A post card notice form containing only the voter's name, current and previous address should not be used since the law requires that a *duplicate copy* be transmitted.

NOTE: Upon request, the registrars must make a copy of an affidavit of registration available to the state Department of Revenue or to the Registry of Motor Vehicles. [51:36; 1983:233] (see also XIV. PUBLIC RECORDS on page 96)

2. Temporary File

The steps outlined under 3. through 5. below may be taken for each affidavit of registration immediately upon receipt. However, in most towns, affidavits are processed in groups and in the meantime, are placed in a temporary file. Affidavits received after the previous close of registration and before the close of registration for the next election may be placed in the same file. In precinct towns, affidavits are usually filed by precinct.

3. Arrange Affidavits for Processing

When a number of affidavits has accumulated, they may be removed from the temporary file and arranged in order for processing. Arranging affidavits in the same order as voters' names appear on the voting list will save considerable time in preparing the supplementary voting list.

NOTE: If data processing is used to prepare the supplementary list, the order in which the voters' names and information are entered into the main census data file may not matter.

Accumulated affidavits must be arranged and processed as soon as possible after each close of registration to prepare for the coming election. However, unless you have only a small number of new voters registering between elections, you will need to start processing well before the close of registration.

If bilingual affidavits, or out-of-office affidavits completed and signed by residents of your town, have been received, these should be included with regular affidavits when they are arranged in order.

4. Information on Back of Affidavit Card (see sample back of affidavit on page 111)

1973:1137, amending 51:36, changed procedures for registration eliminating the requirement for maintaining a general register and requiring that affidavits of registration in their current form be used.

In some towns a voter card file was established and maintained before 51:36 was amended. This card file served as an index to the general register or as the annual register. However, the cards are usually somewhat different in format from the current affidavits and items of information are located in different places.

In order to combine an old card file with the current affidavit cards in these towns, the voter's name and address are typed at the top on the back of the affidavit card in the space provided under NAME. In some towns using cards designed by the registrars, the voter's name and address are typed at the top on the front of the card. If you have older cards in the affidavit file, typing the name and address on the back, or front, in the same location on each card and filing the cards with the typed name facing you, will make a search of the card file much easier.

In precinct towns, it is helpful if the precinct number or letter is typed near the address if the cards are filed alphabetically by voters' names, or are filed by streets but not separated by precincts in the permanent file.

The date registered and age when registered may also be entered in the space provided on the back of the card, but having this information there is not essential since it is not needed in searching the file and it appears on the front should it be required.

Book and Page on the back of the card shown in the sample refers to the book and page of the general register. If this register has been maintained in your town, entering book and page may assist you in finding the general register entry should it be necessary to correct an error. However, the entry in the general register may usually be found fairly quickly using the date of registration.

In many towns, a history of each voter is kept on the back of the card in the columns provided under YEAR, STREET and PREC. In that case, if the voter enrolled in a party at the time he registered, enter the date of registration in the first column and the party in which he enrolled in the second column. Additional entries may be made each time the voter changes his party enrollment or his address. (see AFTER ELECTION DAY, VII. PROCESSING CERTIFICATES & NOTES and VIII. PROCESSING PARTY CHANGES AFTER PRIMARIES in Volume 4 of this series for additional information on maintaining the voter's history on his affidavit of registration)

NOTE: If your town has designed its own form for affidavits of registration or if the same card format has been used consistently over the years, it may not be necessary to type the voter's name and address, etc. on the back or front of the cards in order to search the file easily.

If you have received bilingual or out-of-office forms, signed by residents of your town, on NCR paper, these may be stapled to a card and folded to the size of the card, if necessary. Paper forms placed in the file but not attached to a card will make a search more difficult.

5. Add Names to Annual Register [51:46] (see also LISTS, II. ANNUAL REGISTER in Volume 6 of this series)

The name of each qualified person who has properly completed and signed an affidavit of registration must be added to the annual register. [51:46] 51:37 requires that the annual register be arranged alphabetically by voters' names.

If your voting list is arranged alphabetically by name, adding new voters' names to a supplementary voting list in alphabetical order would comply with the requirements of 51:46. (see 6. below) Or, if you file affidavits alphabetically by voters' names in the permanent file, that file may be considered the annual register. (see 9. permanent file on page 65) However, if the permanent file is also the annual register, the supplementary list should be prepared before the cards are filed.

In some towns using data processing, a computer printout arranged alphabetically by voters' names is prepared each year following the annual town census and is used as the annual register. Usually the printout is prepared in duplicate. One copy is kept as the permanent record (see state retention schedule #2.38). New voters' names, addresses and party enrollment are entered by hand on the second copy of this list.

In other towns with data processing, the names of new voters are added to the main census data file and no special printout is prepared. This procedure also complies with the requirements of 51:46.

A duplicate file of affidavits arranged alphabetically by voters' names may be maintained to comply with 51:46. The duplicate copy of the affidavit card completed by the voter at the time he registered may be placed in this file. In that case, a photocopy of the original affidavit card should be transmitted to the registrars of the previous town of residence. (see E. 1. transmit copy of affidavit on page 59)

The alphabetical section of the street list prepared in connection with the annual town census is considered the annual register in some towns. In this case, an entry is made in one of the office copies next to the name of a listed person to show that he has become a registered voter. The name, address and party enrollment of a new voter whose name does not already appear is added by hand. This procedure also complies with the requirements of 51:46.

6. Prepare Supplementary Voting List [51:58; 1986:402] (see also PREPARING ELECTION MATERIALS, V. VOTING LISTS in Volume 3 of this series and AFTER ELECTION DAY, VII. PROCESS CERTIFICATES & NOTES and VIII. PROCESS PARTY CHANGES AFTER PRIMARIES in Volume 4 of this series)

The registrars must maintain lists of new names added to the annual register subsequent to the last posting of the voting lists. The list must contain the name, address, precinct, if any, and party designation, if any, of each newly registered voter. [51:58; 1986:402]

In many towns, supplementary voting lists are prepared periodically when a number of affidavits has accumulated in the temporary file since a list of new voters is often requested by candidates prior to the close of registration, particularly for state primaries and elections. As soon as possible after the close, all partial supplementary lists are combined to provide the supplement to be used on election day.

The name, address and party enrollment of each voter on the supplementary list should be arranged in the same order as they appear on the main printed voting list. In precinct towns, the supplementary lists should be arranged by precinct.

Each supplementary list should include the names of all voters whose names do not appear on the most recent printed main voting list or on a previous supplementary list prepared since the main voting list was printed.

It is recommended that each supplementary list be dated as of the last date on which any included voter was registered. The date should appear in a prominent place, at least at the top of the first page or on the cover, if any. Having the date appear on each page is helpful. Dating supplementary lists will usually avoid confusion as to what voters are listed. Candidates or their workers will be likely to ask for this information.

If you prepare a partial supplement prior to the close of registration, it may be helpful to include two dates. For example, a supplement prepared to include all new voters whose names do not appear on the first voting list might be dated June 1, 1988 - July 31, 1988. The next partial supplement might be dated August 1, 1988 to August 18, 1988, August 18th being the last day to register prior to the 1988 September state primary.

Unless data processing is used to prepare the supplementary voting list, you will need to type such lists for use in the next election. The list should be typed after the affidavit cards are arranged in order but before they are placed in the permanent file. (see 9. Permanent File on page 65)

In towns using data processing, the information from each affidavit of registration must be entered into the main census data file using the procedures required by the computer and program. If the voter's name, address, date of birth, etc. have already been entered in the data file as a result of the annual town census report, only the information concerning his voter status needs to be entered. A supplementary list can be provided by computer. However, some sort of code will need to be used so that only new voters' names will appear on the printout.

NOTE: In some towns using data processing, a new voting list including the names of all voters who registered prior to the close of registration is prepared by computer for each election. In that case, a supplementary list is not used on election day. However, a supplementary list must still be prepared. [51:58; 1986:402]

7. Post or Publish Supplementary List [51:58,56:10]

If a new name is added to the annual register after the voting lists have been posted (see 51:57), the registrars shall cause it to be added to the lists posted in their office. [51:58] Compliance with this requirement can be satisfied by posting a copy of the supplementary list completed after the close of registration and to be used at the next election. Partial supplements may be posted as well. The supplementary list is not required to be posted in each precinct or in any place other than the registrars' office.

If the town has authorized the registrars to publish the names added to the register, they may have the names printed in a newspaper published in the town. If there is no local newspaper, the names should be printed in a newspaper published in the county. Such publication takes the place of posting the list. [51:58] However, it is unlikely that a newspaper would publish a supplementary list as a public service.

The penalty for wilfully defacing or removing a voting list posted according to law is a fine of not more than $100.00 or imprisonment for not more than six months. [56:10]

8. Furnishing Copies of Supplementary Lists
[51:55,57,58,62; 53:37; 66:10; Public Records Access Regulations
950 CMR 32.00]

Several sections of the General Laws provide that free copies of the voting list and supplementary lists must be furnished upon request to certain persons as follows:

- all duly organized political committees [51:55,58; 1986:402]
- any state political committee organized in accordance with l [51:57]
- all political candidates for public office in the various distrcts in which the city or town is located including all candidates for local office. [51:55,58; 1986:402]
- the chairman or other person in charge of a caucus. In this case, a certified copy of the last published voting list must be furnished, adding thereto the names of voters registered since publication. If it is to be used in a caucus of a political party, the party enrollment of each voter must be included. [51:62]
- a primary candidate or an officer of a town committee or duly organized political committee. [53:37] In this case, the list must contain the up-to-date party enrollment of each voter.

51:55, 58 and 53:37 also provide that the voting lists and supplementary list(s) shall be furnished to any person upon request and upon the payment of a reasonable fee not to exceed the cost of printing. If a photocopy of a supplementary list is provided, 51:58 specifies that the fee must not exceed the cost of copying. Note that 66:10 and the Public Records Access Regulations, 950 CMR 32.00 also require that copy of a voting or supplementary list be furnished to any person upon payment of a reasonable fee. (see XIV. PUBLIC RECORDS on page 96, and FILING AND RECORDING, I. FILING, RECORDING, INDEXING in Volume 2 of this series)

9. Permanent File [51:46]

After the processing of an acceptable affidavit of registration has been completed, the registrars shall place it in their files. [51:46] The General Laws do not specify how the file is to be arranged.

In many towns, the affidavit of registration cards are filed in the same order as the names appear on the voting list. In some precinct towns, the card file is separated by precincts and in others it is not. If cards are not separated by precinct, searching for a particular card on an election day may be easier, particularly if a voter has appeared at the polls in the wrong precinct. The card can be found without first knowing the precinct in which the voter is registered.

The cards may be filed with the front or the back facing forward depending upon whether or not you have entered information on the back and the types of cards contained in the file.

In some towns using paper rather than card forms, the affidavits are placed in a loose leaf or permanently bound book in order by date of registration. However, in this case, a list or card file arranged alphabetically by voters' names and showing the date on which each registered will be needed as an index in order to find a given affidavit easily.

F. RETURNS TO STATE SECRETARY [51:61; 53:38A; 54:53]

1. Registered Voters [51:61] (see sample forms on pages 112 and 113)

After the final day for registration before a biennial state election or an annual town election, the registrars must immediately certify to the state secretary the number of registered voters in the town and in each precinct of the town.

Forms to be used for this purpose are prepared by the state secretary and furnished to the town clerk prior to the close of registration. There are two types of forms, one to be used in towns without precincts and the other to be used in precinct towns.

As soon as the number of voters has been calculated after the close of registration, the form should be completed, signed by the town clerk and mailed to the Elections Division, One Ashburton Place, Room 1705, Boston 02108.

2. Enrolled and Unenrolled Voters [53:38A] (see sample forms on pages 114 and 115)

On or before February first in each even-numbered year, the board of registrars shall submit to the state secretary a count of the number of voters enrolled in each political party and the number of unenrolled voters in the town and in each precinct of the town. The count should be made as of the date registration closed prior to the town election in the previous year.

The forms to be used for this purpose are prepared by the state secretary and provided to town clerks well before the February first deadline. There are two types of forms, one to be used in towns without precincts and the other to be used in precinct towns.

The forms should be completed and signed by the town clerk as soon as possible after receipt. They should be mailed to the Elections Division, One Ashburton Place, Room 1705, Boston 02108.

3. Supplementary Lists [54:53; 1987:438]

In state election years, the registrars must furnish the state secretary with a mailing list of all voters whose names appear on the first voting list required by 51:55. In addition, they shall promptly furnish the state secretary with subsequent additions to and corrections in such lists.

To comply with 54:53 with respect to additions and corrections, add the zip code to a copy of the supplementary list prepared after the first voting list, including the voters who registered by the close of registration for the November election. The zip code may be entered only on the first page unless your town has more than one zip code. In that case, enter the appropriate code on each section of the list. If necessary, add the code opposite each street name.

If the supplementary list is arranged by streets, the names of voters in group residential quarters will probably be listed in order alphabetically by name or by apartment number, at the same house number. Draw a bracket around the names and note *group quarters* in the margin. If the list is arranged alphabetically by voters' names, prepare and forward a list of the streets and house numbers where group quarters are located. The individuals who live in the group quarters do not need to be designated on the supplementary list. In any case, however, add to the list the number of registered voters residing at each address related to a group quarters. (see 1987:438)

A supplement should be sent as soon as possible after it has been prepared after the close of registration for the September primary and again after the close of registration for the November election. Forward the lists to the Elections Division, One Ashburton Place, Room 1705, Boston 02108. The Elections Division will send you a notice requesting the lists in February or March of each even numbered year.

G. PENALTIES [56:2,3,5,6,7,8]

1. On Registrars and Assistant Registrars [56:2,3,6]

A fine of not more than $1,000.00 or imprisonment for not more than one year may be imposed upon registrars or assistant registrars for the following:

- refusing or wilfully neglecting to require an applicant for registration to submit an affidavit of registration in compliance with 51:44; [56:2]
- knowingly preventing or seeking to prevent the registration of any legal voter; [56:2]
- knowingly registering the name of any person not qualified to vote; [56:2]
- being guilty of any fraud or corrupt conduct in the execution of the duties of his office; [56:2]
- knowingly taking a false oath or signing a false certificate relative to the qualifications of any person for registration; [56:6]
- aiding or abetting a person knowingly or wilfully making a false affidavit, taking a false oath or signing a false certificate relative to the qualifications of any person for registration. [56:7]

A fine of not more than $500.00 or imprisonment for not more than six months may be imposed upon registrars or assistant registrars for the following: [56:3]

- refusing or wilfully failing to perform a duty imposed by law relating to the registration of voters;
- willfully performing a required duty contrary to law.

2. On Individuals [56:6,7,8]

A fine of not more than $1,000.00 or imprisonment for not more than one year may be imposed upon an individual for the following:

- knowingly making a false affidavit relative to the qualifications of any person for registration; [56:6]
- aiding or abetting a person knowingly or wilfully making a false affidavit; [56:7]
- causing or attempting to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration; [56:8]
- registering or attempting to register under a name other than his own; representing or attempting to represent himself as some other

person to any election commissioner, registrar or assistant registrar; [56:8]

- giving a false answer to any election commissioner, registrar or assistant registrar respecting any matter relating to his registration or his right to vote; [56:8]
- aiding or abetting any person in doing any of the acts mentioned in 56:8.

NOTE: Penalties for other prohibited activities are included under the sections to which they specifically relate.

VIII. PETITIONED REGISTRATION SESSION PROCEDURES

[51:30,42B]

A. GENERAL

The registrars must hold a registration session upon receipt of a petition completed and filed in compliance with 51:30 or 51:42B. The General Laws do not specify a form to be used for such a petition. A form may be designed and prepared by the registrars and should be made available to any person upon request.

All sessions held by petition under 51:30 or 51:42B must be held within the town boundaries.

The details of procedures will depend upon the type of petition filed and are outlined below.

B. DISTANT LOCATION [51:30] (towns without precincts only) (see sample petition on page 116)

A petition may be filed under 51:30 for a registration session to be held at some suitable place in a village or locality two or more miles distant from the place of registration. The *place of registration* in 51:30 is considered the registrars' principal office, usually in the town hall.

This type of petition may be filed only in towns without precincts and only for a session before a biennial state election or an annual town meeting/election. A petition may not be filed for a session before a special election, a primary or a preliminary.

In many towns, the registrars voluntarily schedule a session in a distant location upon request and do not require that a petition be filed for such a session. However, upon receipt of a proper petition, the registrars must schedule a session.

1. Information Required

The only information specifically required by 51:30 to be included in the petition is a statement that *there are at least ten citizens who are entitled and desire to be registered.*

The location petitioned for may be stated in general terms, such as *near the center of Wilsonville* or *in the Midtown Pines subdivision*. Or, the location may be specified, such as *at the fire station in Wilsonville*.

2. Optional Information

The petitioners' preference for the date and the hours of the session does not need to be entered on the petition, but including this information may help the registrars in deciding when to hold the session.

The name, address and telephone number of the person to be contacted concerning the session should be included. In addition, if the petitioners have requested that the session be held in a private building, it will assist the registrars if the building owner's name and address have been entered.

3. Signatures Required on Petition

The petition must be signed by at least 10 registered voters who reside in or near the village or locality in which the session is to be held. The General Laws do not define the term *near*. The registrars may consider a voter who lives in the general area to be qualified to sign the petition. However, a voter who lives on the other side of town might not be qualified.

The General Laws do not specify that the voter must enter his address on the petition. However, the address is needed to permit the registrars to determine whether or not the persons who signed the petition are qualified to do so.

4. Filing a Petition - Deadline

The petition must be filed with the town clerk. It must be received not less than 48 days before a biennial state election or an annual town meeting/election. For example, the deadline for filing a petition for the 1988 state election was September 21st. The deadline for filing for an annual town election held on March 28, 1988 was February 9th.

NOTE: If the annual town election and annual town meeting for other business are called on separate warrants, a petition could be filed not less than 48 days before either event, or a separate petition could be filed before each event for a given distant locality. However, if the annual town election and meeting are called on the same warrant, only one petition could be filed for a given distant locality.

Upon receipt of a petition, time stamp it or note the date and time of receipt on it. It should then be forwarded to the board of registrars.

5. Registrars to Examine Petition

51:30 does not require that the registrars examine the petition. However, to determine the validity of the petition, the distance of the requested location from the office should be checked. In addition, the signatures should be checked to see if at least 10 of the signers are registered voters and live in the area in which the session is to be held. A formal certification of signatures is not required, but is advisable.

If less than ten registered voters have signed the petition, it is invalid and does not need to be acted upon. However, if time permits, the registrars may notify one of the persons who signed and permit him to obtain additional signatures.

If the location requested is not more than two miles distant from the registrars' office, the petition is also invalid.

In any case, if the petition is invalid, the registrars may schedule a registration session at the requested location if they wish.

6. Schedule Registration Session - Deadline

If the petition has been properly completed and complies with 51:30, the registrars must schedule a registration session. The General Laws do not specify how long after receipt of the petition the registrars must act. However, the session should be scheduled within a reasonable time.

They should schedule the session for the date, hours and place requested by the petitioners, if possible. If not possible, it is suggested that the contact person be called to obtain alternate dates, times or places which would meet the needs of the prospective voters.

The registration session may be held at any time after the petition has been received but must be held before the last day for registration. For example, for a biennial state election, the deadline for holding the session is the 29th day prior to the election. For an annual town election, the deadline is the 21st day before the election.

If a private building is to be used, contact the building owner or custodian to arrange for the use of a room. If a public building is to be used, contact the official who has jurisdiction over the building. (also see IV. E. Locations on page 35 for items to consider in choosing a location for registration)

7. Personnel

See V. A. Personnel on page 41.

8. Material and Equipment Needed

See V. B. Equipment on page 42 and V. C. Material on page 42. Out-of-office forms are not needed since residents of other cities or towns are not permitted to register at sessions held under 51:30.

9. Publicity

51:30 does not specifically require that a notice of a petitioned registration session be posted or published. However, all registration sessions should be publicized. It is recommended that the date, hours and place of each petitioned session be posted in the registrars' principal office and/or on the official bulletin board and in other public places in the town, such as the library and post office. It is suggested that the notice of petitioned sessions be published in the local newspaper and announced over the local radio and cable TV station, if possible. (see V. D. NOTICE OF REGULAR REGISTRATION SESSIONS on page 45)

10. Procedures at Registration Session

The procedures to be used for registering voters at the session are the same as outlined under VII. REGISTRATION PROCEDURES on page 49.

Note that 51:30 does not permit the registration of persons who reside in another city or town at the session. Only persons who reside in your town may register at such sessions.

11. Return Materials to Office

See C. 4. Return Materials to Office on page 58.

12. Examine and Process Affidavits

The affidavits should be processed along with other affidavits of registration as outlined under F. 4. EXAMINE AFFIDAVITS page 58 and E. Processing Affidavits of Registration on page 117.

C. PLACE OF EMPLOYMENT OR PRINCIPAL ACTIVITY [51:42B] (see sample petition on page 117)

A petition may be filed under 51:42B for a registration session to be held within the town in any factory, mill, school, college or university, hospital, nursing or rest home, or any other place where there are persons who are entitled to be registered who are regularly gathered because of employment or other principal activity. Note that the registration sessions held under a 51:42B petition must be held within the town.

The General Laws do not define other principal activity. The courts have held that a prison is a place of principal activity. (see Ramos v. Brd. of Reg. of Voters, (1978) 371 N.E.2d 1372; 374 Mass. 176) In addition, the courts have determined that registration sessions should be held in the following types of locations under a 51:42B petition: library, housing project, supermarket, welfare office, community center, church, nurses' residence, shopping mall, health clinic and recreation center. Also other locations such as a park, common, playground, etc. have been considered a place of principal activity when a substantial number of potential registrants was likely to be present.

If in doubt as to whether or not a location is a place of principal activity under 51:42B, it is better to err on the side of inclusion rather than exclusion.

A petition under 51:42B may be filed for a registration session before the biennial state primary or election or the presidential primary, or before any municipal preliminary, primary or election. It may not be filed for a session before a special state election or primary.

1. Information Required

51:42B requires that the petition specify the location at which the session is to be held and include a statement that ten or more persons employed, resident or otherwise regularly at such place desire and are entitled to be registered as voters.

Note that the location must be specified on this type of petition. For example, the name of the building or its street address must be given.

2. Optional Information

The petitioners' preference for a date on which the session should be held does not need to be entered on the petition, but including this information may assist the registrars in scheduling the session.

The petitioners are not required to include the number of hours during which the session is to be held. However, the session must last a minimum of two hours if requested in the petition.

The name, address and telephone number of the person to be contacted concerning the session should be included in the petition.

3. Written Permission of Tenant or Building Owner (see sample written permission on page 118)

If the petition requests that the session be held in a private building, the written permission of the tenant, or if there is no tenant, of the building owner must be obtained by the petitioners.

If a public building is to be used, written permission is not required. (see 7. Scheduling the Session - Deadline on page 73)

4. Signatures Required on Petition

The petition must be signed by at least 10 registered voters of the town. In this case, the voters do not have to live in any particular area of the town but are likely to live near the location requested in the petition.

Each voter who signs the petition must enter his voting address.

5. Filing a Petition - Deadline

The petition must be filed with the board of registrars. It must be received not less than 40 days before the election, primary or preliminary for which the session is petitioned.

For example, a petition for a registration session to be held for the November 8, 1988 state election, must have been filed not later than September 29th. A petition for a registration session to be held for an annual town election to be held on March 28th, must be filed not later than February 17th.

If the petition is filed after the 40th day, it cannot be acted upon. However, the registrars may schedule a registration session at the location specified in the petition, if they wish.

If a private building is to be used, the permission of the tenant or building owner should have been received by the registrars by the time the petition is filed. It may accompany the petition. The registrars should be somewhat flexible with respect to receipt of the permission. For example, the petition should not be rejected simply because the permission was received the day after the petition was filed.

Unless the board of registrars has a separate office, the petition will be filed in the town clerk's office. Upon receipt of the petition, time stamp it or note the date and time of receipt on it. It should then be forwarded to the board of registrars.

6. Approving a Petition - Deadline

The registrars should examine the petition and the written permission of the tenant or owner of a private building as soon as possible after receipt. They should be certain that at least 10 registered voters of the town have signed the petition. Formal certification of signatures is not specifically required by 51:42B, but is advisable.

If the petition is in order, the registrars must approve it within 7 days of receipt.

If the petition is not in order, it should not be approved. The following might cause a petition to be disapproved:

- a deficiency in the number of signatures. In that case, the registrars may inform the contact person of the deficiency and permit him to correct it if there is time before the deadline expires.
- the location specified cannot be considered a place of principal activity. The registrars may contact the petitioners to determine if another location would meet the need.
- permission from the tenant or owner of a private building was not received or cannot be obtained.

Note that a petition may not be disapproved simply because all the registrars and regularly appointed assistant registrars have already been assigned to registration sessions on the date requested in the petition. Either arrange a different date with the petitioners since 51:42B does not permit the petitioners to require a specific date for the session, or appoint a temporary assistant registrar to conduct the session. In that case, the temporary official will need to be trained before he conducts the session.

7. Scheduling the Session - Deadline

After approving the petition, the registrars should schedule a registration session at the location specified in the petition. An effort should be made to schedule the date and hours in accordance with a preference expressed by the petitioners. If that is not possible, contact the person designated in the petition to determine suitable alternatives. If requested in the petition, the session must last at least two hours. Otherwise, the registrars may determine the number of hours.

If a private building is to be used, the building tenant or owner should be contacted and informed that the session will be held, the date and the hours. At that time, make arrangements for the specific location in the building to be used and determine what equipment is already available.

If a public building is to be used, 51:42B requires that the person in custody of the property be notified of the registrars' intention to hold the session. While not required by the General Laws, it is suggested that written notice be given by the registrars and that the date and hours be included. 51:42B also requires that the person in custody of the building meet with the registrars to confirm the time and place for the session. A formal meeting is not required. Telephone confirmation would be acceptable.

NOTE: The person in custody of the property referred to in 51:42B means the official who has jurisdiction over the public building, not the person in charge of maintenance.

The registration session may be held on or before the last day for registration for the next primary, preliminary or election. It must be held before the close of registration on the last day to register.

8. Personnel

See V. A. PERSONNEL on page 41.

9. Material and Equipment Needed

See V. B. EQUIPMENT on page 42 and V. C. MATERIAL on page 42. A supply of out-of-office forms should be available at the session since residents of other cities and towns must be permitted to register at sessions held under 51:42B.

10. Publicity

See VIII. B. 9. Publicity on page 70.

11. Procedures at Registration

a. residents of your town

The procedures to be used for registering residents of your town at the session are the same as outlined under VII. REGISTRATION PROCEDURES, 1. through 3. on pages 49-58.

b. residents of other cities and towns

In addition to registering residents of your town, the registration officials must accept the affidavits of registration from persons who live in any other city or town of the commonwealth. The out-of-office form provided by the state secretary must be used. (see VI. REGISTRATION FORMS, A. 3. on page 47 and sample form on page 105)

The applicant should enter the information in items 1 through 8, 10, 11 and 12 on the form, the same as outlined in INFORMATION TO BE ENTERED on page 49. In addition, he should enter his height in feet and inches in item 9 since this information may be required in his city of residence.

The registration official should examine the form the same as outlined under VII. C. 2. checking the affidavit at time of registration on page 53. In addition, he should enter the date of the session in item 14 and the city or town in which the session was held in item 15.

The registration official should ask the applicant for proof of his residence. Such proof should contain the applicant's name and current address and may be one of the following:

- current Mass. driver's license
- other current I.D. such as a school or employment I.D.
- recent utility bill
- recent rent receipt containing the landlord's printed letterhead
- copy of a current lease
- current insurance policy
- any other printed identification, such as a current bank book or statement, check book, or recent letter mailed to the person showing a postmark.

The residence appearing on the proof should be the same as that entered in item 2 on the form. Enter the type of proof presented such as Mass. Driver's License, employment ID, check book, etc. in item 16. If the proof contained a residence different from that entered in item 2 or if no proof of residence was presented, enter a note to that effect. The registration official should accept the affidavit regardless of the type of evidence and whether or not proof of residence is presented.

The registration official must sign the form as witness in item 13. He should give the pink copy of the completed form to the registrant.

NOTE: A resident of another city or town should not sign or enter any information in the general register, if one is used at the session. However, he may be permitted to complete and sign a party change card or an absentee ballot application.

12. Return Materials to Office

See VII. C. 4. Return Materials to Office on page 58.

If a resident of another city or town has completed and signed a party change card or an absentee ballot application at the session, it may be returned to the office along with other registration material. It should then be forwarded to the registrars of the town of residence as soon as possible.

However, a voter from another city or town may be told to file his party change card or absentee ballot application with the registrars of his own city or town. If the session is held shortly before the close of registration for a primary, the voter himself should file his party change card with the registrars of his own city or town since it must be received by them by 10 P.M. on the last day to register to be effective for that primary.

13. Examine and Process Affidavits

a. residents of your town

The affidavits completed and signed by residents of your town should be processed in the office the same as other affidavits as outlined under VII. D. EXAMINE AFFIDAVITS on page 58; and E. PROCESS AFFIDAVITS OF REGISTRATION on page 59.

b. residents of other cities and towns

Out-of-office forms, completed and signed by residents of other cities or towns should be kept separate from others since the persons who registered on these forms will not be voters in your town and their names and addresses should not be added to any voting lists or to the annual register.

The original out-of-office form containing the words HOME REGISTRAR'S COPY at the right side must be transmitted to the registrars of the city or town entered in item 2. It should be forwarded as soon as possible, particularly if the registration session were held shortly before the close of registration. The form is needed by the registrars of the town of current residence so that they may add the name to the voting list.

Place the copy marked OFFICE COPY in a file separate from the file containing affidavits of registration of residents of your town. It is suggested that the forms be filed in alphabetical order by registrant's name since the questions you may receive requiring a search of this file will contain the registrant's name but may not contain his address or date of registration. If you have a large number of residents from one city or town register at a session in your town, the affidavits may be grouped in the file and the name of the city or town indicated at the beginning of the group. For example, the forms completed by Boston residents may be kept together and filed alphabetically by last name within that section of the file. Attach a card on which BOSTON has been entered to the first affidavit in the group.

There is no state retention schedule item related to the out-of-office forms. However, they should be kept on file long enough to be certain no questions will be raised, probably for one year. Permission of the state supervisor of public records is required prior to disposal.

IX. SCHOOL, COLLEGE & UNIVERSITY REGISTRATION PROCEDURES

A. PUBLIC AND PRIVATE HIGH SCHOOLS AND VOCATIONAL SCHOOLS [51:42C,42E; 1986:630; 1987:438; 1988:281]

1. Required by 51:42C [51:42C; 1988:281]

In any town which accepts the provisions of 51:42C, a voter education and voluntary registration session must be held each year in each public, private and vocational high school in the town. The session must be held as part of an educational assembly for all seniors.

NOTE: The term *voluntary registration session* in 51:42C means that the persons who attend the assembly are not required to register. The registrars are required to hold the session.

a. schedule session

The session must be held between April first and May 15th. The registrars should arrange the specific date and hours of each session with the school principal, superintendent or headmaster, or his designee, well before April first. At that time, the information to be covered in the educational part of the session may be determined. It may include how and when to register, how and when to vote, the various types of ballots used in elections, or whatever other information is deemed necessary or advisable by the registrars and/or school administrator.

b. personnel

The session may be conducted by one or more registration official as outlined under V. A. PERSONNEL on page 41. In addition, the assistant registrar(s) appointed for the school under 51:42E may conduct the session. (see IX. A. 2. required under 51:42E on page 78)

c. material and equipment

See V. B. EQUIPMENT on page 42 and V. C. MATERIAL on page 42. Note that a supply of out-of-office forms should be available at the session since residents of any city or town in the commonwealth may be permitted to register at the session.

NOTE: The registrars may refuse to register out-of-town residents since 51:42C allows but does not require such registration. However, it is recommended that all out-of-town residents who wish to register be permitted to do so. A person refused registration is likely to make a complaint.

d. publicity

51:42C does not specifically require that the registration session be publicized. However, the school administrator would provide the publicity in the school so that all seniors are aware of the assembly in which the voter education and registration session will take place.

The session may also be publicized the same as outlined under VIII. B. 9. publicity on page 70.

e. procedures at registration

The procedures to be used for registration are the same as outlined under VIII. C. 11. Procedures at Registration on page 74)

f. return materials to office

See VII. C. 4. Return Materials to Office on page 58 and VIII. C. 12. Return Materials to Office on page 75.

However, if a resident from another city or town has completed and signed an absentee ballot application at a session held shortly before an election, the voter himself should file his absentee ballot application with the registrars in his own city or town to allow time for processing.

g. examine and process affidavits

See VIII. C. 13. Examine and Process Affidavits on page 76.

2. Required by 51:42E [51:42E; 1986:639, 1987:438; 1989:178]

The registrars of the town in which the school is located are required to appoint at least one assistant registrar from a list of three school employees, who are registered voters in the commonwealth. They should be appointed from a list submitted by the principal or headmaster of every public and private high school and vocational school in the town. (see BOARDS OF REGISTRARS AND ELECTION COMMISSIONS, IV. C. Assistant Registrars at High Schools on page 12)

These assistant registrars must be available at the school to register qualified students and employees, who may reside in any city or town of the commonwealth. (see 1987:438)

Note that registration may take place at any time during the school year and a registration session is not required under 51:42E. The registrars may schedule such a session if they wish and in that case, the session must be open to the public and any eligible person may register.

NOTE: If the town has accepted 51:42C, a registration session must be scheduled. (see IX. A. 1. Required by 51:42C on page 77)

a. material and equipment

The assistant registrars should be supplied with the equipment and material as outlined under V. B. EQUIPMENT on page 42 and V. C. MATERIAL on page 42. Out-of-office forms should be supplied since school assistant registrars must accept affidavits of registration from residents of other cities or towns. (see 1987:438) It is suggested that you periodically check with the assistant registrars to be certain that they have sufficient supplies on hand.

In some towns, written instructions are prepared by the town clerk's/registrars' office and provided to school assistant registrars. (see sample instructions on page 19) In other towns, the school assistant registrars are given verbal instructions.

b. publicity

51:42E requires that the school principal or headmaster publicize the opportunity to register within the school.

c. procedures

The procedures to be used by the applicants and assistant registrars are the same as outlined under VIII. C. 11. Procedures at Registration on page 74.

d. security

Be certain that the assistant registrars are aware of the need for security on all registration material in their possession, including the general register, if used.

e. return materials to office

The school assistant registrars should periodically forward completed regular, bilingual and out-of-office affidavits of registration to the office for processing. After a close of registration, all completed forms should be forwarded immediately. Note that unused forms should be retained by the school registrar.

School assistant registrars may be instructed to forward all completed and signed party change cards and absentee ballot applications to the office for processing. If a party change card or absentee ballot application has been completed by a voter from another city or town, it should be forwarded to the registrars of the voter's town of residence as soon as possible.

A voter from another city or town may be told to file his party change card or absentee ballot application with the registrars of his own city or town. However, if such a voter completes a party change card shortly before or on the last day for registration before a primary, the school assistant registrar should inform him that he must file the card with the registrars of his own city or town before 10 P.M. on the last day to be effective for the primary. (see 53:38)

Likewise, if such a voter completes an application for an absentee ballot shortly before a primary or election, the school assistant registrar should inform him of the need to file the application with the registrars of his own city or town as soon as possible. (see 54:89) In these cases, the voter himself should be certain the card or application is filed since timing is critical.

f. examine and process affidavits

See VIII. C. 13. Examine and Process Affidavits on page 76.

B. REGIONAL HIGH SCHOOL, COLLEGE OR UNIVERSITY [51:42D]

The registrars may hold a registration session in any regional high school, college or university in any city or town in the commonwealth where there are persons entitled to be registered in their town who are regularly gathered there by reason of education or employment.

This is the only section of the General Laws which permits registrars to register persons outside the boundaries of their own town. The outside locations are specifically limited under 51:42D to regional high schools and institutions of higher education. The registrars may not go to an out-of-town prison, nursing or rest home or hospital, for example, to register persons located there even if those persons are eligible to register in the registrars' town.

Note that there is no provision in the General Laws to require the registrars to hold a session under 51:42D. Students and employees of an out-of-town regional high school or college may request, but may not require that a session be held at the school.

NOTE: If the school or college is located within the town, however, a petition under 51:42B could be made and in that case, the registrars would be required to hold the session. (see VIII. C. PLACE OF EMPLOYMENT OR PRINCIPAL ACTIVITY on page 71)

The registrars determine the date, time and place, of the registration session. However, it is suggested that the principal or administrator be contacted to determine a convenient date and time and that the specific location in the school also be arranged at that time.

If the session is to be held in a regional high school or college in another town the session should not be included in the notice of regular registration sessions. Since only students and employees of the school may be permitted to register, publicity should be confined to that location and should specify that only residents of your town may register at the session.

NOTE: If a volunteer teacher's aide or other volunteer school personnel wish to register, they should be permitted to do so even though they may not technically be considered a school employee.

If, however, the session is to be held in a regional high school or college in your town, notice of the session may be included in the notice of regular registration sessions, if possible. Or, a separate notice could be posted or published and announcements made in the local newspapers or by a cable TV station. (see V. D. NOTICE OF REGULAR REGISTRATION SESSIONS on page 45

Any qualified resident of the town may register at any session held within the town boundaries.

The procedures to be used at this type of registration session are the same as outlined under VII. REGISTRATION PROCEDURES on page 49.

At an out-of-town school, the registration official should carefully check the present address entered on each affidavit before signing it to be certain that an address in your town is entered. Residents of other towns may attempt to register simply because they have seen a notice of the session or because they happen to walk by the registration table. To minimize confusion in this regard, it is suggested that a sign such as *VOTER REGISTRATION FOR [NAME OF TOWN] ONLY* be prominently posted near the registration table.

After the session closes, the registration official should immediately return all signed affidavits and other forms, the general register, if one is used, and all other material to the office. It is essential that signed forms be safely returned and placed in a secure location at the office. The registration area should be cleared of any litter and the equipment returned to the appropriate locations.

The affidavits should be processed in the office along with other regular affidavits as outlined in VII. D. EXAMINE AFFIDAVITS on page 58; and E. PROCESS AFFIDAVITS OF REGISTRATION on pages 59-65.

X. ABSENT REGISTRATION PROCEDURES [51:42A]

The procedures to be used for absent registration are specified in 51:42A and the registrars may appoint absent registration officials to register qualified persons in their homes or elsewhere in the town although registrars and assistant registrars may also perform the duty. (see BOARDS OF REGISTRARS AND ELECTION COMMISSIONS, ABSENT REGISTRATION OFFICERS (APPOINTED BY REGISTRARS) on page 14 and 51:22A) The term *at home registration* is sometimes used since it more nearly describes the procedures permitted although a person entitled to such registration may be located in a nursing home or hospital, etc. as long as he is physically within the town boundaries.

A. APPLICATION FOR ABSENT REGISTRATION

A written application for absent registration must be made by the person requesting such registration and must be processed by the registrars.

1. Form (see sample form on page 119)

The application must be made on a form prescribed by the state secretary and provided by the registrars. A letter of request for absent registration should not be accepted even if it contains all of the information appearing on the form. If such a letter is received, an official application form should be sent.

To obtain a supply of application forms, contact the Elections Division, One Ashburton Place, Room 1705, Boston 02108.

The registrars should provide an application form to any physically disabled person who requests absent registration. In many cases, the person will first call the office to obtain information on registration and indicate that he cannot get to the office or to an out-of-office registration session because of his disability. In that case, explain the provisions of 51:42A and mail a form to the person. However, if timing is short (see Filing Application - Deadline below), the application may be hand delivered or may be picked up by anyone designated by the applicant.

2. Completing the Application Form

Upon receipt, the applicant should complete the form. Unless his physical disability prevents it, he should sign his name on the first line after *Sign here*. He should enter on the lines provided under his signature, his printed name, his home address, the address where the officials should come to register him, his telephone number and the date. Note that the place to which the officials should come must be within the town boundaries but may be where the physically disabled person lives or is temporarily located.

If the applicant's physical disability prevents him from completing the forms, he may designate any person to assist him. If he cannot sign his own name, the person assisting should witness his mark and add a note such as *applicant cannot sign name due to physical disability [signature of person assisting]* although adding such a note is not required by the General Laws. (see 51:44)

In some towns, the town clerk completes the form for the applicant before mailing or giving it out. In this case, leave the line for signature and date blank.

3. Filing Application - Deadline

The completed application must be filed with the registrars. Note that the application must be returned by mail. It may not be hand delivered.

Upon receipt of an application, time stamp it or note the date and time of receipt.

The application must be received in the registrars' office not later than the 3rd day prior to the last day for registration.

Example: If the last day to register is on a Tuesday, the application must be received by 5 P.M. on the Saturday preceding the last day since the office must be open for voter registration on that day, unless it is not more than two days before or after a holiday. However, if the Saturday session must be held on the second Saturday preceding the last day to register because of a holiday and the office is regularly closed on Saturday, the application must be received by 5 P.M. on the Friday before the last day to register. (see 51:28)

If the application is received after the deadline it may not be acted upon for the next election. However, the registrars may act on it for the subsequent election rather than requiring the person to submit a new application. In that case, the registrars should call the applicant and inform him of the situation as soon as possible after receipt.

B. APPOINTMENT WITH APPLICANT

After receiving an application, check it to be certain it has been properly completed and signed. If so, call the applicant to make an appointment for the registration officers to visit and have him register.

If the application has not been properly completed, missing information may be obtained by telephone. However, if the signature is missing, the application must be returned to the applicant. If necessary because of timing, the application may be hand carried rather than mailed to the applicant and returned by hand.

C. VISITING THE APPLICANT - DEADLINE

The registrars shall after receipt of an application for registration, delegate two registrars, assistant registrars or absent registration officers to visit the applicant. The two persons delegated, called *registration officials* for simplification in the following, must be of different political parties.

The registrars themselves may delegate two registration officials to visit the applicant or they may vote to have the town clerk delegate the officials. Such a vote needs to be taken only once and does not need to be revoted every year.

1. Who May Visit Applicant

The officials who visit the applicant do not need to have the same title. For example, a registrar and an assistant registrar, or an absent registration officer and an assistant registrar or registrar, may visit the applicant to register him as long as one is a Democrat and the other is a Republican.

The registration officials may visit the applicant at his home or at another location, such as a nursing home, a hospital or elderly housing provided the location is within the town boundaries.

The registration officials may register more than one person at a location, provided each has completed his own application. Note that in some towns, the registrars schedule a registration session at a location in which there are several disabled applicants, such as a nursing home or elderly housing and in that case, the procedures outlined in 51:42A are not required.

2. Material Needed

The registration officials should be supplied with one blank affidavit of registration for each person to be registered, a pen, a copy of the appropriate completed and signed application form and, if used, the general register. In addition, it is suggested that the registration officials take an absentee ballot application and, when applicable, a blank certificate of permanent disability for each person to be registered.

3. Registering the Applicant

If the registration officials are satisfied that the applicant is, in fact, unable by reason of physical disability to appear in person at the office or at an out-of-office registration session, they must provide him with one of the regular blank affidavit of registration forms. (see VI. REGISTRATION FORMS, A. 1. on page 47)

The applicant should complete and sign the affidavit entering all the required information as outlined under VII. B. INFORMATION TO BE ENTERED ON AFFIDAVIT on page 49. The two registration officials should observe the applicant signing his name. However, only one of the officials needs to sign the affidavit.

If the applicant's disability prevents him from entering information on the affidavit, he may be assisted by the registration officials or by a person of his choice. If he is unable to sign his name, he should make a mark which must be witnessed by one of the registration officials. The official should add a note such as *applicant unable to sign* although entering such a note is not required by the General Laws. If the applicant cannot make a mark, the official may sign the applicant's name and note that he has done so. [51:44]

The registration officials should check the affidavit to be certain it has been properly completed and signed. (see VII. C. 2. Checking the Affidavit on page 53)

If a general register is maintained, the applicant should enter the information in the appropriate columns after he has completed and signed his affidavit. If unable to do so, a registration official may enter the information in the register, or the information may be entered at the office when the affidavit of registration is returned.

NOTE: On occasion a handicapped person prefers to come to the town hall to register, but he is unable to come into the office because of the architectural barriers. In some towns, a registrar or assistant registrar will take the affidavit of registration, etc. out to the person's car and have him register at that location instead of requiring that the person make an application for absent registration.

4. Deadline for Registration

The deadline for registration under 51:42A is the same as the close of registration for the election, primary or preliminary for which the applicant is registering. (see III. B. REGISTRATION SESSIONS on page 24)

EXCEPTION: An applicant, who is in the military or naval service of the United States, may register under 51:42A not less than 3 days before an election. In this case, no deadline for making application is specified in the General Laws. The application must be made in time for the registrars to make the necessary arrangements and have the person register not less than 3 days before the election. Note that the special provision applies only to persons in the military or naval service, not to all specially qualified voters defined under 54:103B.

D. RETURN MATERIALS AND PROCESS AFFIDAVITS

The registration officials should return the completed and signed affidavit of registration and other forms, the general register, if used, and any unused material to the office immediately after the person has been registered. It is essential that this material is safely returned and placed in a secure location in the office.

The completed affidavit should be processed in the office the same as other regular affidavits. (see VII. D. EXAMINE AFFIDAVITS on page 58; and E. PROCESSING AFFIDAVITS OF REGISTRATION on page 59)

XI. SUPPLEMENTARY REGISTRATION - SPECIALLY QUALIFIED VOTERS [51:50,51; 54:103B; 1989:194]

The General Laws contain special provisions to permit certain persons to register after the close of registration. The person must have been a specially qualified voter, as defined in 51:103B, throughout the 7 days preceding the final time for registration, or he must have become a citizen of the United States after the final time for registration prior to a given primary, preliminary or election. [51:50; 1989:194]

Such a person may appear before a registrar or assistant registrar in the town of his legal residence during regular business hours of any day following the final day for registration and register as a voter. However, he must appear before 4 P.M. on the day preceding the primary, preliminary or election. [51:50]

EXAMPLE: A person went to Europe on a business trip on September 28th but did not register to vote before he left. He returned on October 14th after the close of registration for the November 8th, 1988 state election or the person became a citizen of the United States on October 25, 1988. He was entitled by 51:50 to register for the November election during regular business hours up to 4 P.M. on November 7th.

If the day preceding the election is a Sunday, the deadline for supplementary registration would be 5 P.M. on the last previous day the office is open. For example, if the election is on a Monday and the office is regularly closed to the public on Saturday, the deadline for supplementary registration is 5 P.M. on the previous Friday. The office must stay open on that Friday until 5 P.M.

The procedures to be used are the same as outlined under VII. REGISTRATION PROCEDURES on pages 49-68 except that the voter's name and address are not entered on the voting list to be used at the next election. Instead, the registrars must give the voter a certificate of supplementary registration. [51:51] The certificate must be similar to that used for an omitted voter, signed by a majority of the registrars and contain a reference to 51:51. It must be entitled *SUPPLEMENTARY REGISTRATION - SPECIALLY QUALIFIED VOTERS*. (see sample certificate on page 120)

The voter must present his certificate to the presiding officer at the polling place before he can be permitted to vote. [51:51] It is suggested that a copy of the certificate be attached to the voter's affidavit of registration, or filed in the office in case the voter loses his certificate before he votes on election day.

The voter may vote by absentee ballot provided he is qualified for such a ballot, he applies before the deadline for such application, and he presents his certificate of supplementary registration at the time he applies. [51:51] In that case, mark AV on the certificate and attach it to the voting list to be used at the polls. An absentee ballot may be mailed to the voter or he may vote by absentee ballot in the town clerk's office. (see ABSENTEE BALLOTS in Volume 3 of this series for further information on voting by absentee ballot)

XII. SUPERVISORS OF REGISTRATION [51:54]

A. APPOINTMENT

Supervisors of registration, one from each of the two political parties for each place of registration, shall be appointed by the governor with the advice and consent of the governor's council, upon the petition of not less than 10 qualified voters of a town. The supervisors are appointed for a one year term and are not required to be registered voters of the town in which they are to act. 51:54 does not specifically require that supervisors be sworn to the faithful performance of their duties.

NOTE: Appointing supervisors of registration is discretionary with the governor and such supervisors have not been appointed within at least the last 10 years.

B. DUTIES

The supervisors must attend all sessions and meetings for registration held at the places for which they are appointed. Either of the supervisors in attendance may attach to any books or papers used for the purpose of registration, a statement concerning the truth or fairness of the proceedings which he may deem proper. He may add his signature or other marks to his statement for the purpose of identification.

Note that the General Laws do not empower the supervisors to interrupt the proceedings at a place of registration, to make any comments or to enforce any sections of the General Laws.

If, however, the person, who believed he was denied registration or who believed illegal registration procedures were used, took the matter to court, the statements made by the supervisors would be pertinent to the case.

C. PENALTIES

Whoever interferes with or aids and abets any person in interfering with any supervisor of registration in the performance of his duty shall be punished by a fine of not more than $100.00 or by imprisonment for not more than one year.

XIII. COMPLAINTS - ILLEGAL OR INCORRECT REGISTRATION [51:47B,48,49]

Procedures for making complaints about false statements entered on affidavits of registration or illegal or incorrect registrations, summoning registrants and witnesses and holding related hearings are contained in 51:47B, 48 and 49 of the General Laws. The complaint is to be made after the person has registered to vote. There is no provision in the General Laws for making a complaint or challenging a person at the time he is registering similar to the challenge which can be made on election day at the time a person is checking in or checking out at the polls.

A. WHO MAY MAKE A COMPLAINT [51:47B,48]

A complaint may be made if the registrars have probable cause to believe that a voter has made a false statement in his affidavit of registration. [51:47B] In this case, one of the registrars, rather than the board, should prepare the complaint since the board should not be the complainant and also exercise its quasi-judicial powers during the hearing or in deciding the case after the hearing.

A registered voter may also make a complaint if he has reason to believe and does believe that a person has been illegally or incorrectly registered. In this case, the complainant may be any registered voter of the town including a registrar or an assistant registrar. [51:48]

B. FORM (see sample complaints on page 121)

The General Laws do not specify a form to be used for the complaint. However, the complaint must be in writing.

C. INFORMATION REQUIRED

If a registrar prepares a complaint under 51:47B, he must set forth in the complaint, the basis for the belief that the registrant has made a false statement in his affidavit. The name and address of the registrant must also be included. The complaint should be signed by the registrar who prepared it.

If the complaint is made by a registered voter under 51:48, it must contain a statement that the voter has reason to believe and does believe that a certain person, named in the complaint, has been illegally or incorrectly registered. The complainant must give the reasons for his belief. He must sign the complaint and swear to the truth of the statements.

Reasons for believing that a person is illegally or incorrectly registered might include the following:

- the person used a name not his own
- the address is incorrect, fictitious or not where the person actually lives
- the person is not a resident of the town
- the person is underage
- the person is not a U.S. citizen
- the person is registered in the wrong precinct

D. FILING A COMPLAINT [51:47B,48]

Under 51:47B, the registrar who prepared the complaint should file it with the board of registrars. The registered voter who made a complaint under 51:48, must also file it with the board. Unless the registrars have a separate office, the complaint will be filed in the town clerk's office. Upon receipt, it should be time stamped or the date and time of receipt noted on it. It should then be forwarded to the board of registrars.

E. DEADLINE FOR FILING [51:47B,48]

A registrar may prepare and file a complaint under 51:47B at any time subsequent to the registration of the voter to which it relates. However, if the complaint is to be made shortly before an election, sufficient time must be allowed to summon the registrant and to hold the hearing.

A registered voter must file the complaint under 51:48 at least 4 days before a primary, election or town meeting.

If the registrars discover an apparently false statement on a affidavit too close to the election to hold a hearing, they could tell the warden to challenge the voter when he appears at the polls. If a voter attempts to file a complaint after the deadline for doing so has expired, inform him that the complaint cannot be accepted but that he may challenge the voter at the polls, or he may file a complaint after the election. If the registrars believe the complaint has merit, they could have the warden challenge the voter at the polls or one of the registrars could file a complaint after the election.

F. REGISTRARS TO EXAMINE COMPLAINT [51:48]

The board of registrars shall examine the complaint and determine whether or not there are sufficient grounds to require summoning the registrant. At this time, the registrars should limit their examination to the complaint itself and to their own records.

The complainant, whether one registrar filing a complaint under 51:47B or a registered voter filing a complaint under 51:48, should have some sort of evidence upon which to base his complaint. However, evidence is not presented at the time the complaint is filed. It is presented only at the hearing. The board of registrars may ask the complainant what evidence he plans to produce. If the complainant can state what the evidence is, there would be a reasonable basis for the complaint and sufficient grounds for summoning the registrant.

If, after the examination, the registrars are certain that the person is legally and correctly registered, no further action should be taken on the complaint, except that the complainant and the registrant should be notified of the registrars' determination. If, however, the registrars believe that the allegations made in the complaint are true or that they have sufficient grounds, further action as outlined under G. through N, below must be taken.

In either case, the determination should be made at a formal meeting and the board should vote on the question. If the complaint were filed on or shortly before the deadline, there may not be sufficient time to post a notice 48 hours before the meeting to comply with 39:23B, the Open Meeting Law. However, such a meeting would be an emergency meeting under that law. Include in the minutes of the meeting, the determination and the reasons for that determination and the vote by registrar's name.

NOTE: For a complaint filed under 51:47B, the registrar who filed it would have investigated the case to obtain evidence upon which to base it, but should not sit as a member of the board to determine whether or not there are sufficient grounds.

G. REGISTRARS TO SUMMON PERSON NAMED IN COMPLAINT [51:48]

1. Prepare Summons

After they have determined that there are sufficient grounds for the complaint, the registrars should prepare a summons for the person named in the complaint. Forms for summonses are commercially available at a stationery store which carries regular legal forms. (see sample summons on page 122) The summons must contain the substance of the complaint and a copy of 51:48 and 51:49 must be accompany the summons. It must also contain the date, time and place the person is to appear before the registrars. The date must be not later than the day before the election.

NOTE: Since there is insufficient space on the summons itself to include the text of 51:48 and 51:49, a copy of these two sections should be attached.

2. Serving the Summons

The completed summons should be given to a constable or deputy sheriff for service. Service shall be made not more than 14 days nor less than 2 days before the day named for appearance. Note that if a complaint is not filed until the 4th day before an election, the summons must be prepared and given to the constable or deputy sheriff within a very short time in order to meet the schedule required by 51:48. (see 3. below)

The summons must be served by hand delivery to the person named in it. If personal service cannot be made it may be left at his place of residence. If the person's residence is unknown to the officer and cannot be ascertained by inquiry at the place of alleged illegal or incorrect residence or at any later residence appearing on the annual register, then the summons must be left at the person's last residence known to the officer. If the person's last residence is unknown, it should be left at the last place appearing as his residence in the annual register.

3. Return of Service

The officer shall return the summons to the registrars before the day named for appearance with the certificate of his doings endorsed thereon.

EXAMPLE: The complaint was filed on November 4th, the Friday before the election to be held on November 8th, 1988. The registrant had to appear before the registrars not later than Monday, November 7th and the summons had to be served not later than Saturday, November 5th.

It is suggested that the registrars obtain advice from town counsel on the proper procedures for summoning, particularly if they have not previously been involved in such a proceeding. They may also wish to have town counsel present when they examine the registrant.

NOTE: If the complaint involves an apparent part-time resident, it is suggested that a notice of the complaint and hearing also be sent to the registrant at his out-of-town residence, if possible. If you do not know the registrant's out-of-town address, check with the assessors to determine where the property tax bill is sent.

H. REGISTRARS MAY SUMMON WITNESSES [233:8,9]

The registrars may also summon witnesses if they believe it necessary. They should summon a witness upon request of the complainant or his counsel, or upon request of the person named in the complaint or his counsel. It is suggested that a signed written request be obtained. Or, the registrars may delegate the authority to summon to any notary public or justice of the peace and inform those requesting a summons of such delegation.

Witnesses summoned must be paid the same fees and are subject to the same penalties for default as witnesses in civil cases before the courts. [233:8]

If a witness, who has been summoned by the board of registrars and paid or tendered the proper fees, fails to appear, the chairman of the board may issue a warrant to bring in such witness to testify in the case in which he was summoned. [233:9] It is recommended that the registrars consult with town counsel before issuing a warrant.

I. NOTICE TO COMPLAINANT

51:48 does not specifically require that a notice of the time, date and place of the examination of the person named in the complaint be given to the complainant. However, he should be notified since he is entitled to be present.

It is suggested that, if possible, written notice be hand delivered to the complainant. The complainant should also be notified by telephone, if hand delivery is not possible and the notice must be mailed.

J. COMPLAINANT AND REGISTRANT'S RIGHTS [51:49]

The complainant and the registrant named in the complaint are entitled to be represented by legal counsel and they may bring witnesses with them. They and their witnesses may give testimony and evidence. They or their counsel may examine and cross-examine all witnesses.

If the complaint were prepared by one of the registrars, he would act as prosecutor, present evidence, examine and cross-examine witnesses but he should not sit as a member of the board during the hearing or vote on the case.

K. REGISTRARS TO HOLD HEARING [51:20,49]

A majority of the board of registrars must be present at the hearing. If a vacancy in the board caused by death, resignation or retirement, or if a member's inability to perform his duties or his absence from town on the day of the hearing will make it impossible for a majority to be available, the remaining members of the board should make a written request to the board of selectmen that it appoint a temporary registrar prior to the hearing. The person appointed must be enrolled in the same party as the absent registrar. [51:20] Note that there is no provision in the law to permit assistant registrars to perform the registrars' statutory duties at a hearing and these duties cannot be delegated to the town clerk.

A temporary registrar may need to be appointed to take the place of a registrar who prepared a complaint under 51:47B.

1. Preliminary Procedures

At the time specified in the summons, the hearing should be formally called to order by the chairman of the board of registrars. A statement should be made concerning notices given or summonses issued, such as *notice of this hearing was given to (complainant's name), a summons was issued to (name of* *registrant and any other person who was summoned). Returns have been received with respect to summonses for (names).*

The registrars should determine if the complainant and the registrant are present, if they are represented by counsel and if witnesses are present.

It is suggested that the hearing be tape recorded since, if the registrars' decision is later taken to court, a transcript of the proceedings may be needed. In that case, an announcement that a tape recorder is being used should be made.

2. During the Hearing

Each counsel present, or the registrar who prepared a complaint under 51:47B, should be permitted to make a presentation, present evidence, call and examine witnesses, cross-examine witnesses called by others and present arguments of law. Arguments of law would involve citing applicable sections of the General Laws and/or referring to previous court cases related to the questions and issues involved. If the complainant or registrant are not represented by counsel, he should be permitted to present his case for himself. The testimony and evidence presented will depend upon the allegations appearing in the complaint.

An oath should be administered by a registrar to the complainant, registrant and each witness before he presents any information or testimony. The following oath should be used:

> *Do you solemnly swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth, so help you God?*

If more than one complaint is to be heard, each case should be heard and decided separately.

If the registrant is present, whether or not anyone else is present, the registrars shall examine him on oath and shall receive such other evidence as may be offered in regard to the matters set forth in the complaint. [51:49]

If a registrar filed the complaint and had obtained pertinent information from the registrars' records, he would present the information and the records at the hearing. However, if someone other than a registrar filed a complaint but the board of registrars had obtained pertinent information from their own records, they should state specifically what those records are and that they are taking administrative notice of them. In either case, the records should be available for examination at the hearing and a rebuttal of the evidence should be permitted.

The registrars may ask any questions of the complainant, registrant or witnesses directly related to the allegations contained in the complaint.

The registrars' decision must be based upon all the testimony and evidence presented at the hearing.

(a) residence (domicil)

The allegations most likely to appear in a complaint are related to the registrant's domicil or residence for voting purposes and in some cases, a person's residence may not be easily determined.

In order to establish a residence for voting purposes in a town, the person must be physically present in the town, that is eat and sleep there, and he must intend to make the place his home at least for the time being. In this case, *home* means the center of his domestic, social and civil life. He can establish residence in a town even though he may definitely intend to move at a later time. (see Dane v. Brd. of Reg. of Voters, (1978) 371 N.E.2d 358; 374 Mass. 152 and Hershkoff v. Brd. of Reg. of Voters, (1974) 321 N.E.2d 656; 366 Mass. 570)

To determine the person's residence for voting purposes, the registrars may require the registrant to provide the following information:

- length of time he spends in various places
- where his car is registered and insured
- where he has his bank account
- the address shown on his driver's license
- past and current addresses
- where he was previously registered to vote
- where his parents' residences are
- where he files income tax returns
- where he is employed
- where he has religious, social and political affiliations, and
- his future plans with respect to residence

The registrars may ask him to produce any written evidence he may have, such as identification showing current residence, bank statements, insurance policies, etc. to substantiate his statements that he is now a resident of the town and that he intends to remain a resident at least for a time.

The person's answers to all of the above questions do not have to substantiate residence in your town and he does not need to produce several types of evidence containing a residence in the town. However, a person cannot have residence for voting purposes solely on the basis of where he says he intends to reside. The facts, evidence and the statement of intent must concur. (see Dane v. Brd. of Reg. of Voters, (1978) 371 N.E.2d 358; 374 Mass. 152)

EXAMPLE: The person states that he intends to live in your town only for the next year and is uncertain where he may live after that. His parents live in California. He presents a current bank statement showing his address in your town but does not have a driver's license. He states that he works part time at a grocery store and regularly attends church near his address. He may be considered a resident of the town.

The following information may assist in deciding whether or not a person has or can establish residence in your town.

- persons in institutions or attending school

  A person is not precluded from establishing residence in a town simply because he is in an institution, voluntarily or otherwise, in the town or because he must be in the town to attend school. (see Coulombre v. Brd. of Reg. of Voters, (1975) 326 N.E.2d 360; 3 Mass. App. 206 and Hershkoff v. Brd. of Reg. of Voters, (1974) 321 N.E.2d 656; 366 Mass. 570)

- persons in federal institutions or living on federally owned land

  A patient in a federal institution in Massachusetts, an employee of a military or federally owned hospital or a member of the military forces stationed at a military base in the state [and in your town] is not automatically prevented from acquiring a new domicil here. If such a person can show he has acquired a new domicil in Massachusetts, through evidence of his intention to make Massachusetts his home for a time at least, and he has the other qualifications for registering to vote, he must be allowed to register. (Op. Atty. Gen. Oct. 5, 1970, p. 55)

- part-time residents

  A person may live part of the year in one town and part of the year in another. However, he may have residence for voting purposes only in one town and may not simply choose one of the two towns as his residence even if he lives 6 months in one town and 6 months in the other. Evidence, in addition to the length of time spent in each place, should be considered. If an equal period of time is spent in each town, but he has a bank account, registers his car and works and files his income taxes using an address in one town, that town is his residence for voting purposes.

- boundary cases

  If a town boundary passes through a person's house, he may not simply choose one of the towns as his residence for voting purposes. He is a resident of the town in which he habitually sleeps. (see Inhabitants of Abington v. Inhabitants of North Bridgewater, (1839) 40 Mass. (23 Pick.) 170) If a town boundary divides the house so that only a small corner of it is in one town, a person may not claim residence in that town. (see Teel v. Hamilton-Wenham Regional School District, (1982) 433 N.E.2d 907:13 Mass. App. Ct. 345)

- address not a residence

  A registrant may be challenged on the basis that the address entered on his affidavit is an industrial or business building. It may not be used as a dwelling under the town's bylaws, no variance can be found to permit such use and the building owner stated that no one lived there. In that case, if the registrars determine that the registrant is actually living in the building, his affidavit should be accepted. The question of whether or not the registrant should be living there is for the zoning enforcement agent to determine.

(b) other allegations

Other allegations, such as those related to the identity of the registrant or his age, are usually more easily determined than whether or not the registrant is a resident of the town. The following may be used as evidence with respect to the allegations:

- identity: a picture I.D. or the sworn testimony of a neighbor
- age: a certified copy of a birth record, baptismal record, school, immigration, or court record, a passport, naturalization papers or life insurance policy
- citizenship: naturalization papers, a birth certificate, parent's birth certificate if born in the United States, or U. S. passport

L. REGISTRARS TO MAKE DETERMINATION

After all testimony has been given, written evidence presented and the counsel have completed examining witnesses and making their arguments, the board of registrars must decide whether or not the person named in the complaint is qualified to be registered as a voter. The determination should be made by formal vote on a motion to strike the name from the annual register. A majority vote is required.

If the registrars determine that the person is not a qualified voter, they must strike his name from the annual register. If they determine that the person is a qualified voter but is registered in the wrong precinct, they must change his voting address in the annual register to the correct precinct. Appropriate corrections should also be made on the voting list and other records.

If there is a tie vote, the motion fails and the name should be retained on the register.

NOTE: If a registrant has refused to answer the registrars' questions or to present evidence, his name should be removed from the annual register. (see Dane v. Brd. of Reg. of Voters, (1978) 371 N.E.2d 1358; 374 Mass. 152)

M. REGISTRANT FAILS TO APPEAR [51:49]

If the registrant named in the complaint was summoned but failed to appear at the hearing, the complainant may produce testimony. If such testimony is sufficient to make out a prima facie case, the registrars must remove the name from the register.

EXAMPLE: For a complaint related to residence, a prima facie case would have been made if the complainant had presented evidence to show the registrant registered his car in another town.

If, however, the person appears before the registrars before the election or town meeting prior to which the complaint was heard and shows that he had sufficient cause for his failure to appear, the hearing must be re-opened and the matter decided on its merits, as determined from evidence presented on both sides. The complainant should be notified and permitted to be present when the hearing is re-opened.

Sufficient cause for failure to appear might be illness or absence from the town. The registrars may accept the registrant's statement of the cause, or if they consider it necessary, they may ask him to provide some evidence to substantiate his statement.

N. RECORD OF HEARING AND DECISION

A formal record of the hearing and decision should be made including the following:

- time and place of hearing
- notices given and summonses issued
- the names of those present at the hearing
- if the complainant, registrant or a summoned person was not present, a notation to that effect
- each document presented and a summary of the testimony or information brought out by examination and cross-examination of the registrant, complainant and witnesses
- the registrars' determination including the vote of each registrar by name and a brief statement of the reasons. The reasons may be stated simply; that the registrars considered all of the evidence and on that basis determined that the person is not a resident of the town.
- the time the hearing adjourned

The record should be prepared on minute book paper and be permanently kept along with the minutes of registrars' meeting. [state retention schedule #2.25]

O. APPEALS TO THE COURT [56:59; 1988:296]

The supreme judicial and the superior court department of the trial court shall have jurisdiction of civil actions to enforce the provisions of General Laws, chapters 50 to 56 inclusive and may award relief formerly available in equity and by mandamus. [56:59]

If the complainant or the registrant disagrees with the determination of the board of registrars, he may appeal to the court. However, do not attempt to advise a person wishing to appeal, except to recommend that he consult a lawyer, if he has not already done so.

XIV. PUBLIC RECORDS [51:40,41]

The registrars' records shall at suitable times be open to the public. [51:40] Original affidavits of registration shall be deemed to be public records. [51:41] The public must be permitted to examine and to obtain copies of voter registration records, including affidavits of registration, voting lists, supplementary voting lists, the annual register, the general register if one is maintained, party change cards, etc. and the minutes of registrars' meetings and hearings.

EXCEPTION: An application for absent registration may not be a public record since it contains information concerning a person's physical disability. (see ruling of state supervisor of public records SPR84/118 relative to the part of an absentee ballot application relating to physical disability)

The inspection of any registrars' and voter registration records should be permitted only under proper supervision to insure that the records are not marked, damaged or removed from the office. It is recommended that the public not be permitted to look through the card file containing original affidavits of registration or party change cards since it is essential that the order in which these cards are filed is not disturbed. Only office personnel should search for a specific requested card and remove it from the file for inspection.

The details of procedures related to the examination and copies of records and fees which may be charged are contained in the Public Records Access Regulations, 950 CMR 32.00 as revised February 1989. (see also 4:7(26), 66:10 and FILING AND RECORDING, I. FILING, RECORDING, INDEXING in Volume 2 of this series) Note that the fee for a copy of the voting list and a supplementary list may not exceed the cost of printing or copying. [51:55,58] (see Lists H. Votings List in Volume 6 of this series for further information)

XV. RETENTION PERIODS [51:41; state retention schedule #2.25, #2.34, #2.38, #2.39, #2.40, #2.42]

The registrars shall preserve all written applications, complaints, certificates and affidavits received by them and all other documents in their custody relative to voter registration for two years after the dates thereof; provided, however, that original affidavits of registration, or microfilm copies thereof, shall be preserved and shall be deemed to be public records. [51:41]

The state retention schedule specifies a permanent retention period for the following records:

- the record of the registrars' proceedings (minutes of meetings and hearings) [#2.25; 51:23]

- annual register of voters [#2.38; 51:37]

- general register of voters [#2.39]

- affidavit of voter registration [#2.42; 51:36,41,44]

The state retention schedule specifies a two year retention period for the following:

- certificates of supplementary registration [#2.40; 51:51] Since this item is starred in the retention schedule, the certificates may be disposed of after the retention period has expired without permission from the state supervisor.
- party enrollment records (party change cards) to be kept for 2 years following removal of voter from voting list. [#2.34; 51:38] Since this item is not starred in the retention schedule, permission from the state supervisor is required prior to disposal.

Other records related to voter registration not included in the state retention schedule are required by 51:41 to be retained for two years. Note that permission to dispose of these records must be obtained from the state supervisor.

In most towns, the affidavits of current voters only are kept in the active card file. When a voter is removed from the voting list, his card is removed from the active file and placed in an inactive file.

In some towns, cards are removed periodically from the inactive file so that the inactive file may be kept to a reasonable size. It is suggested that affidavit cards be retained in the inactive file for at least four years after the voter's name has been removed from the voting list and that the file be purged following a November state election. That schedule will keep the affidavits of persons, who may be eligible for an omitted voters' certificate at a subsequent election, easily available. If an omitted voters' certificate is issued, the related affidavit card should be returned to the active file after the election. (see AFTER ELECTION DAY, VII. PROCESSING CERTIFICATES & NOTES in Volume 4 of this series)

In some towns, affidavits removed from the inactive file are microfilmed on a regular schedule, every four years, for example. Such a program saves considerable office file space, particularly in towns having a large turnover in population. The microfilm of affidavits must be kept permanently. [51:41] After microfilming, permission for the disposal of the original affidavits may be obtained from the state supervisor of public records.

SAMPLE REQUEST - ELIMINATE PRECINCT SESSIONS

(Registrars' Letterhead)

Date_______________

TO: Board of Selectmen

RE: Special Registration Sessions - Annual Town Election

This is to request that the Selectmen vote, under the provisions of Chapter 51, section 30 of the General Laws, to eliminate the registration sessions required to be held in each precinct of the town prior to the annual town election of [date].

The records of this office show that over the past 5 years, not more than three citizens have registered for the annual town election during precinct registration sessions in spite of the fact that these sessions have been publicized by notices posted in each precinct and at the town hall, by news releases in the [local paper] each week for three weeks prior to the first session, and by public service announcements over the [local radio or TV station].

The Board of Registrars believes that the required evening and Saturday registration sessions held at the town hall provide ample opportunity for registration prior to the annual town election. Also, please be advised that registration sessions are regularly scheduled upon request at the [nursing home/housing for the elderly, etc.] and the General Laws provide for at home registration for handicapped persons. The General Laws also contain provisions for registration sessions by petition and at [college]. An Assistant Registrar, who is an employee of the school, has been appointed to serve regularly at each public and private high school and vocational school in the town.

____

____

____

____
Board of Registrars of [town]

SAMPLE FORM - ADDITIONAL QUESTIONS FOR PRISONERS

Date_______________

Name____

Current Residence____
How long have you lived at this address?______________________

Last Previous Residence____
How long did you live at this address?________________________

Other previous residences and length of time you lived in each place____
____
____

Do you own a car? Yes____, No____
If yes, in what city or town is it registered and insured?____

Do you have a driver's license? Yes____ No____
If yes, give address shown on license_________________________

Have you ever registered to vote? Yes____ No____
If yes, when and in what city or town_________________________

In what city or town do you have your bank account?______________

If you go on furlough, in what cities or towns do you regularly spend your furlough?____

What address do you enter on your income tax returns?_____________
____

Are you employed in a work-release program? Yes____ No____
If yes, in what city or town?__________________________________

If you attend church, in what city or town?______________________

Upon release, in what city or town do you plan to live?__________

Signed under the pains and penalties of perjury

____

SAMPLE

POSTER CONTAINING 56:7 AND 56:9

(Letters at least ¼" wide)

CHAPTER 56 OF THE GENERAL LAWS

SECTION 7. WHOEVER AIDS OR ABETS A PERSON IN KNOWINGLY OR WILFULLY MAKING A FALSE AFFIDAVIT, TAKING A FALSE OATH OR SIGNING A FALSE CERTIFICATE RELATIVE TO THE QUALIFICATIONS OF ANY PERSON FOR LISTING OR REGISTRATION SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR.

SECTION 9. WHOEVER REFUSES TO OBEY THE LAWFUL ORDERS OR DIRECTIONS OF AN ELECTION COMMISSIONER, A REGISTRAR OR ASSISTANT REGISTRAR, OR INTERRUPTS OR DISTURBS THE PROCEEDINGS AT ANY REGISTRATION SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS.

SAMPLE

NOTICE OF REGISTRATION SESSIONS
DESIGNED BY REGISTRARS

NOTICE TO VOTERS

REGISTRATION

NOTICE IS HEREBY GIVEN THAT THE BOARD OF REGISTRARS OF VOTERS WILL BE IN SESSION ON

____

____

IN THE TOWN HALL for the purpose of registering voters for the election to be held on ________________________ and to make any necessary corrections in the list of voters. No name can be added to the voters' list (except to correct omissions made by clerical error or mistake) after _____________ in the evening of ____________________ at which time registration closes.

BY ORDER OF THE BOARD OF REGISTRARS OF VOTERS

________________________ Board
________________________ of
________________________ Registrars
________________________ TOWN OF MIDTOWN

SAMPLE

COMMERCIALLY AVAILABLE NOTICE OF REGISTRATION SESSIONS - 12" X 19"

CITY or TOWN of ____________________

NOTICE TO VOTERS

Registration

Office of the BOARD of REGISTRARS of VOTERS

____

____________________19

Notice is hereby given that the Board of Registrars of Voters will be in session.

Dates	Times	Places

for the purpose of registering voters for the election to be held on____________________ and to make any necessary corrections in the list of voters.

Registration closes at 10 P.M. on ____________.

QUALIFICATIONS: An applicant for registration must be at least
18 years of age by the date of the election a
citizen of the United States
resident of this city or town

A registered voter who chooses to adopt a new name ~~by decree of court or as a result of marriage~~ shall continue to be registered in his former name until June first of the following year at which time the voter shall be registered in his new name; provided, however, that if such voter appears in person prior to the close of registration for any preliminary, primary, or election to notify the registrars of such adoption of a new name, the registrars shall correct the current annual register so that such voter shall be registered in his new name.
(G.L. Chapter 51, section 2 as amended)

If a qualified voter whose name was on the voters' list last year finds after close of registration that his name has been omitted from the current list by mistake or that there is a clerical error in the listing, he may apply to correct the omission or error.

If the application is made on election day, he may have a certificate to vote.

Call the Board of Registrars' Office, ____________________, for information:

- if you are unable because of physical disability to appear in person to register, or
- if you wish to verify your voting status.

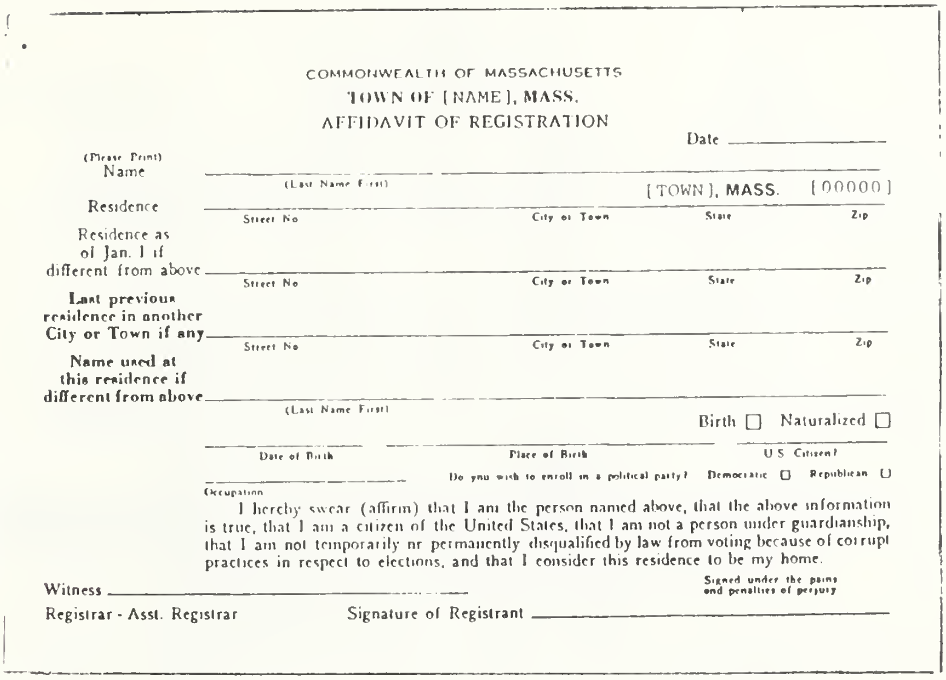
Board of Registrars
____
____
____
____
Board of Registrars

SAMPLE AFFIDAVIT OF REGISTRATION

REGULAR FORM

4" X 6" or 5" X 8½"

FRONT



COMMONWEALTH OF MASSACHUSETTS
TOWN OF [NAME], MASS.
AFFIDAVIT OF REGISTRATION

Date ______________

(Please Print)
Name ______________________________
(Last Name First)

Residence ______________________________ [TOWN], MASS. [00000]
Street No City or Town State Zip

Residence as of Jan. 1 if different from above ______________________________
Street No City or Town State Zip

Last previous residence in another City or Town if any ______________________________
Street No City or Town State Zip

Name used at this residence if different from above ______________________________
(Last Name First)

Birth ☐ Naturalized ☐

Date of Birth ______________ Place of Birth ______________ U S Citizen?

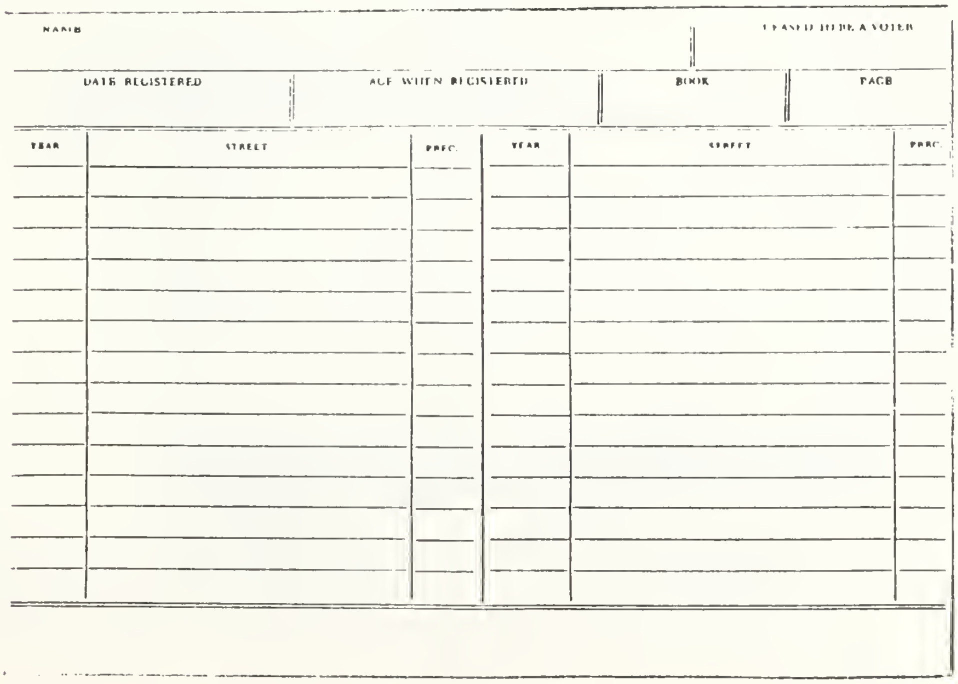
Occupation ______________ Do you wish to enroll in a political party? Democratic ☐ Republican ☐

I hereby swear (affirm) that I am the person named above, that the above information is true, that I am a citizen of the United States, that I am not a person under guardianship, that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, and that I consider this residence to be my home.

Witness ______________________________ Signed under the pains and penalties of perjury

Registrar - Asst. Registrar Signature of Registrant ______________________________

BACK



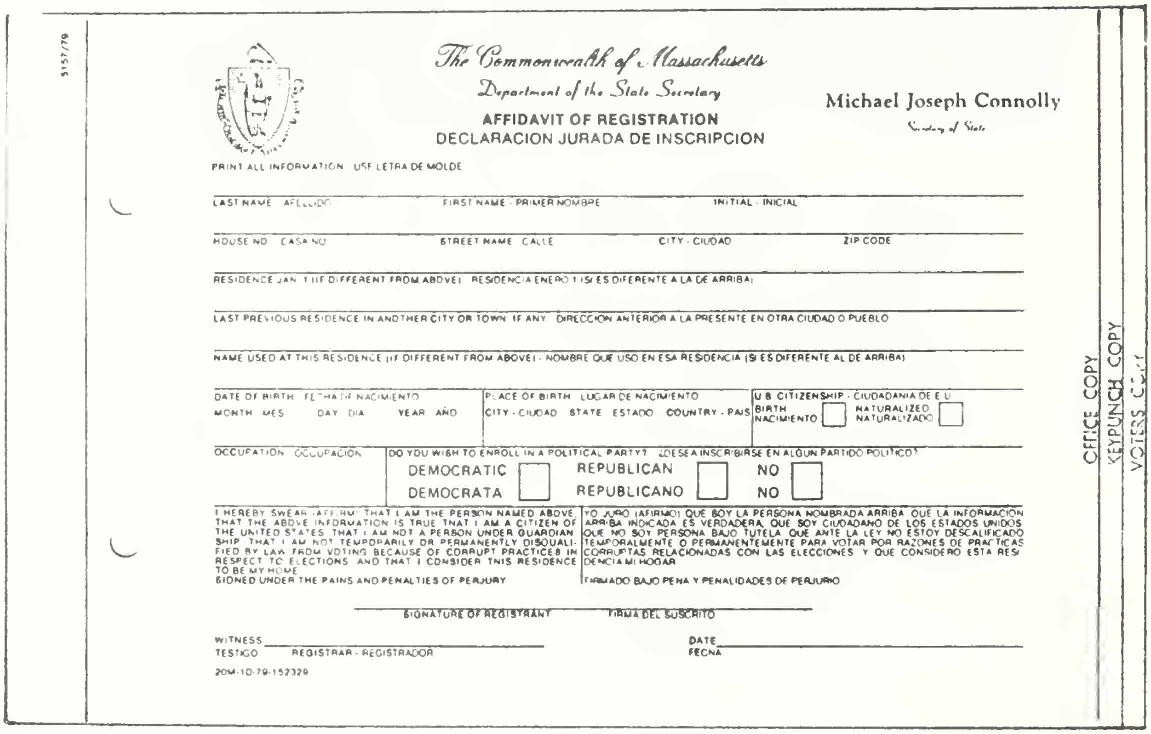
NAME			CEASED TO BE A VOTER
DATE REGISTERED	AGE WHEN REGISTERED	BOOK	PAGE

YEAR	STREET	PREC.	YEAR	STREET	PREC.

SAMPLE AFFIDAVIT OF REGISTRATION

BILINGUAL FORM

5 3/4" X 9 1/4"



5157/79

The Commonwealth of Massachusetts

Department of the State Secretary

AFFIDAVIT OF REGISTRATION
DECLARACION JURADA DE INSCRIPCION

Michael Joseph Connolly
Secretary of State

PRINT ALL INFORMATION · USE LETRA DE MOLDE

LAST NAME · APELLIDO FIRST NAME · PRIMER NOMBRE INITIAL · INICIAL

HOUSE NO · CASA NO STREET NAME · CALLE CITY · CIUDAD ZIP CODE

RESIDENCE JAN. 1 (IF DIFFERENT FROM ABOVE) · RESIDENCIA ENERO 1 (SI ES DIFERENTE A LA DE ARRIBA)

LAST PREVIOUS RESIDENCE IN ANOTHER CITY OR TOWN, IF ANY · DIRECCION ANTERIOR A LA PRESENTE EN OTRA CIUDAD O PUEBLO

NAME USED AT THIS RESIDENCE (IF DIFFERENT FROM ABOVE) · NOMBRE QUE USO EN ESA RESIDENCIA (SI ES DIFERENTE AL DE ARRIBA)

DATE OF BIRTH · FECHA DE NACIMIENTO
MONTH · MES DAY · DIA YEAR · AÑO

PLACE OF BIRTH · LUGAR DE NACIMIENTO
CITY · CIUDAD STATE · ESTADO COUNTRY · PAIS

U.S. CITIZENSHIP · CIUDADANIA DE E.U.
BIRTH / NACIMIENTO ☐ NATURALIZED / NATURALIZADO ☐

OCCUPATION · OCUPACION

DO YOU WISH TO ENROLL IN A POLITICAL PARTY? · ¿DESEA INSCRIBIRSE EN ALGUN PARTIDO POLITICO?
DEMOCRATIC / DEMOCRATA ☐ REPUBLICAN / REPUBLICANO ☐ NO / NO ☐

I HEREBY SWEAR (AFFIRM) THAT I AM THE PERSON NAMED ABOVE, THAT THE ABOVE INFORMATION IS TRUE, THAT I AM A CITIZEN OF THE UNITED STATES, THAT I AM NOT A PERSON UNDER GUARDIANSHIP, THAT I AM NOT TEMPORARILY OR PERMANENTLY DISQUALIFIED BY LAW FROM VOTING BECAUSE OF CORRUPT PRACTICES IN RESPECT TO ELECTIONS, AND THAT I CONSIDER THIS RESIDENCE TO BE MY HOME.
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

YO JURO (AFIRMO) QUE SOY LA PERSONA NOMBRADA ARRIBA, QUE LA INFORMACION ARRIBA INDICADA ES VERDADERA, QUE SOY CIUDADANO DE LOS ESTADOS UNIDOS, QUE NO SOY PERSONA BAJO TUTELA, QUE ANTE LA LEY NO ESTOY DESCALIFICADO TEMPORALMENTE O PERMANENTEMENTE PARA VOTAR POR RAZONES DE PRACTICAS CORRUPTAS RELACIONADAS CON LAS ELECCIONES, Y QUE CONSIDERO ESTA RESIDENCIA MI HOGAR.
FIRMADO BAJO PENA Y PENALIDADES DE PERJURIO

SIGNATURE OF REGISTRANT · FIRMA DEL SUSCRITO

WITNESS / TESTIGO ______ REGISTRAR · REGISTRADOR

DATE / FECHA ______

20M-10-79-152329

OFFICE COPY

KEYPUNCH COPY

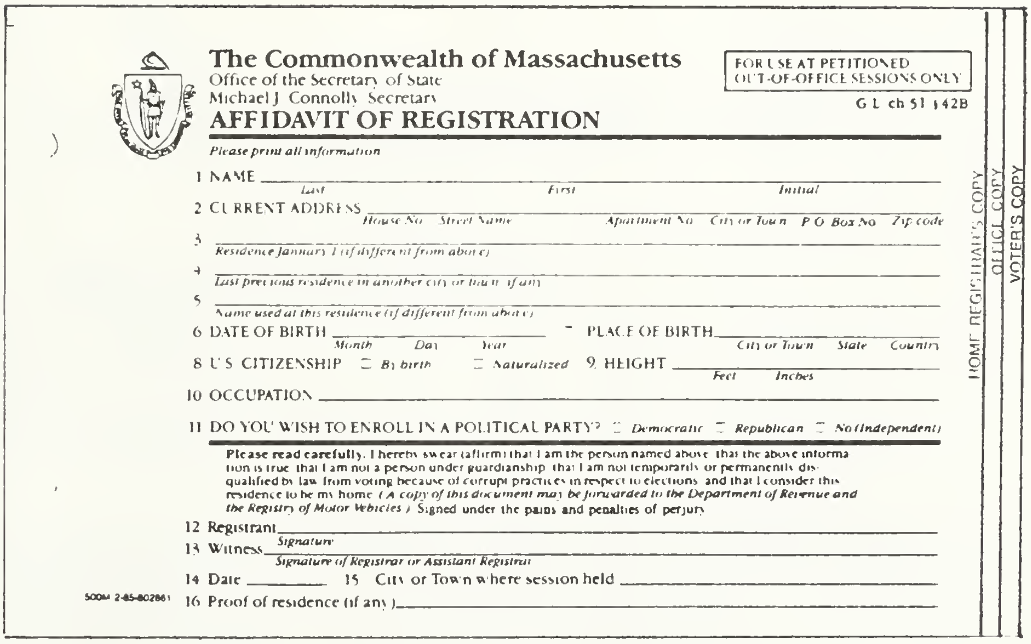
VOTERS COPY

SAMPLE AFFIDAVIT OF REGISTRATION

OUT-OF-OFFICE FORM

5" X 8 1/2"

ENGLISH



The Commonwealth of Massachusetts
Office of the Secretary of State
Michael J Connolly Secretary
AFFIDAVIT OF REGISTRATION

FOR USE AT PETITIONED OUT-OF-OFFICE SESSIONS ONLY

G L ch 51 § 42B

Please print all information

1 NAME ____ *Last* *First* *Initial*

2 CURRENT ADDRESS ____ *House No* *Street Name* *Apartment No* *City or Town* *P O Box No* *Zip code*

3 ____ *Residence January 1 (if different from above)*

4 ____ *Last previous residence in another city or town if any*

5 ____ *Name used at this residence (if different from above)*

6 DATE OF BIRTH ____ *Month* *Day* *Year* 7 PLACE OF BIRTH ____ *City or Town* *State* *Country*

8 U S CITIZENSHIP ☐ *By birth* ☐ *Naturalized* 9. HEIGHT ____ *Feet* *Inches*

10 OCCUPATION ____

11 DO YOU WISH TO ENROLL IN A POLITICAL PARTY? ☐ *Democratic* ☐ *Republican* ☐ *No (Independent)*

Please read carefully. I hereby swear (affirm) that I am the person named above that the above information is true that I am not a person under guardianship that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections and that I consider this residence to be my home *(A copy of this document may be forwarded to the Department of Revenue and the Registry of Motor Vehicles)* Signed under the pains and penalties of perjury

12 Registrant ____ *Signature*

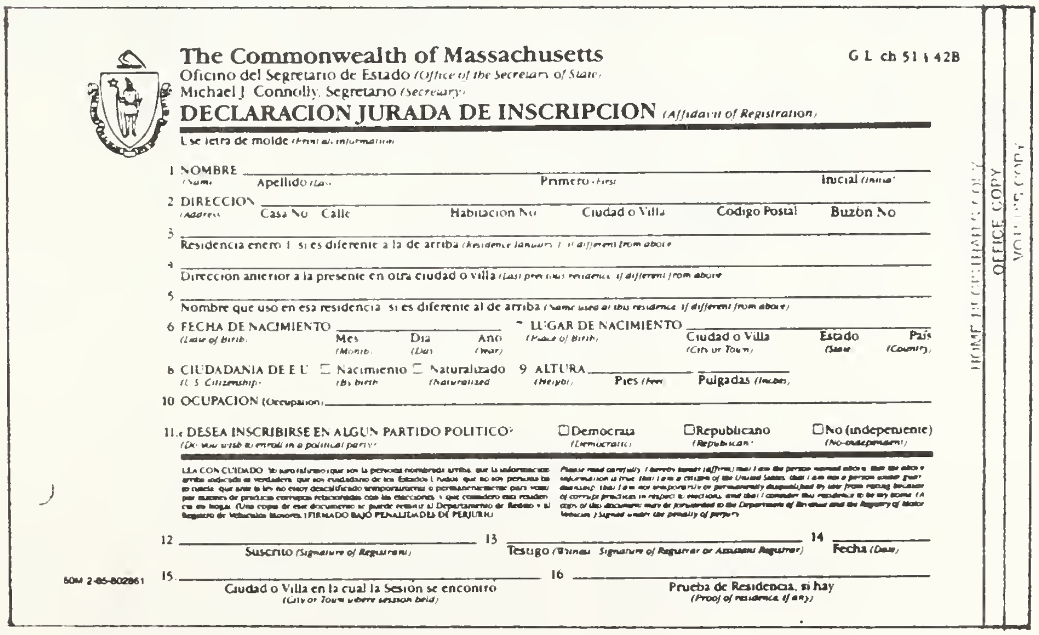
13 Witness ____ *Signature of Registrar or Assistant Registrar*

14 Date ____ 15 City or Town where session held ____

500M 2-85-802861 16 Proof of residence (if any) ____

HOME REGISTRAR'S COPY | OFFICE COPY | VOTER'S COPY

SPANISH



The Commonwealth of Massachusetts
Oficino del Segretario de Estado *(Office of the Secretary of State)*
Michael J Connolly, Segretario *(Secretary)*
DECLARACION JURADA DE INSCRIPCION *(Affidavit of Registration)*

G L ch 51 § 42B

Use letra de molde *(Print all information)*

1 NOMBRE *(Name)* ____ Apellido *(Last)* Primero *(First)* Inicial *(Initial)*

2 DIRECCION *(Address)* ____ Casa No Calle Habitacion No Ciudad o Villa Codigo Postal Buzon No

3 ____ Residencia enero 1 si es diferente a la de arriba *(Residence January 1 if different from above)*

4 ____ Direccion anterior a la presente en otra ciudad o villa *(Last previous residence if different from above)*

5 ____ Nombre que uso en esa residencia si es diferente al de arriba *(Name used at this residence if different from above)*

6 FECHA DE NACIMIENTO *(Date of Birth)* ____ Mes *(Month)* Dia *(Day)* Ano *(Year)* 7 LUGAR DE NACIMIENTO *(Place of Birth)* ____ Ciudad o Villa *(City or Town)* Estado *(State)* País *(Country)*

8 CIUDADANIA DE E U *(U S Citizenship)* ☐ Nacimiento *(By birth)* ☐ Naturalizado *(Naturalized)* 9 ALTURA *(Height)* ____ Pies *(Feet)* ____ Pulgadas *(Inches)*

10 OCUPACION *(Occupation)* ____

11 ¿DESEA INSCRIBIRSE EN ALGUN PARTIDO POLITICO? *(Do you wish to enroll in a political party?)* ☐ Democrata *(Democratic)* ☐ Republicano *(Republican)* ☐ No (independiente) *(No-independent)*

12 ____ Suscrito *(Signature of Registrant)*

13 ____ Testigo *(Witness Signature of Registrar or Assistant Registrar)*

14 ____ Fecha *(Date)*

50M 2-85-802861 15 ____ Ciudad o Villa en la cual la Sesion se encontro *(City or Town where session held)*

16 ____ Prueba de Residencia, si hay *(Proof of residence, if any)*

HOME REGISTRAR'S COPY | OFFICE COPY | VOTER'S COPY

INFORMATION - CITIZENSHIP BY BIRTH

8 U.S.C. s.1401(1982)

Section 1401. **Nationals and citizens of the United States at birth**

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date.

SAMPLE NOTICE - AFFIDAVIT INCOMPLETE

(Registrars Letterhead)

Date________________

Applicant's Name
Applicant's address

This is to notify you that your affidavit of registration dated [date] cannot be processed by this office because the item checked below was not entered.

____house number in your address
____apartment number in your address
____date of birth
____place of birth
____occupation
____your signature
____other____

Please be advised that you must supply this information as soon as possible to have your name added to the voting list to be used in the [primary/election] to be held on [date]. Information, except your signature, may be entered on this letter and returned to the office. If your signature was omitted and is the item checked above, please come to the office to sign your affidavit. If you cannot appear during regular office hours, 9 A.M. - 5 P.M. weekdays, please call [telephone number] so that a convenient appointment can be made.

BOARD OF REGISTRARS OF [TOWN]

By: signature__________________
Clerk

SAMPLE NOTICE - APPLICANT NOT QUALIFIED

(Registrars' Letterhead)

Date________________

Applicant's name
Applicant's address

This is to notify you that it appears from the information you entered on your affidavit of registration on [date] you are not qualified to register as a voter in this town because

___you are not a U.S. Citizen
___you will not be eighteen years of age until after the next primary/election
___the current address you entered is not in this town
___other____

If the information entered is not correct, please contact this office as soon as possible to arrange for making the appropriate corrections.

BOARD OF REGISTRARS OF [TOWN]

By:signature__________________
Clerk

SAMPLE NOTICE - CLARIFY INFORMATION

(Registrars' Letterhead)

Date__________________

Applicant's name
Applicant's address

In processing your affidavit of registration, a difference was found between information you entered on the affidavit and that shown on the annual town census report as follows:

Date of birth on affidavit_____[date]_____

Date of birth on annual town census report_____[date]_____

Please enter your correct date of birth and your signature in the spaces provided below and return this notice to the Board of Registrars as soon as possible.

Thank you.

BOARD OF REGISTRARS OF [TOWN]

By:_signature__________________
Clerk

My correct date of birth is________________________

Signed under the pains and penalties of perjury,

____
Signature

SAMPLE NOTICE - AFFIDAVIT NOT SATISFACTORY

(Registrars' Letterhead)

Date________________

Applicant's name
Applicant's address

This is to notify you that the Board of Registrars voted at its meeting of [date] not to accept your affidavit of registration for the reason(s) checked below:

___you have not provided the information we requested on [date of first notice]
___you have not signed your affidavit
___other____

This is also to notify you that your name will not be entered on the voting list of this town.

BOARD OF REGISTRARS OF [TOWN]

By:signature____________________
Clerk

SAMPLE

BACK OF AFFIDAVIT

NAME John J. Jones, 15 Center St. Pct 2				CEASED TO BE A VOTER	
DATE REGISTERED Jan. 5, 1982	AGE WHEN REGISTERED 35			BOOK	PAGE

YEAR	STREET	PREC.	YEAR	STREET	PREC.
9/14/82	PRIM. D				
11/4/82	PCC. U				
1983	DROPPED				
3/13/84	RETURNED by CERT. D				
8/8/84	PCC. U				
9/18/84	PRIM. R				
10/9/84	PCC. U				

SAMPLE RETURN TO STATE SECRETARY

NUMBER OF VOTERS

Towns Without Precincts

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY OF STATE

NUMBER OF REGISTERED VOTERS
(Towns Without Precincts)

Town of ____________________

In accordance with the requirements of the General Laws, we certify at the close of registration on ______________________________, the
date of close of registration

number of registered voters was as follows:

Number of Registered Voters as of close of registration _________

Town Clerk __________________________________

Please return to the Secretary of State, Elections Division, Room 1705, One Ashburton Place, Boston, MA 02108

SAMPLE RETURN TO STATE SECRETARY

NUMBER OF VOTERS

Towns With Precincts

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY OF STATE

NUMBER OF REGISTERED VOTERS
(Towns With Precincts)

Town of________________

In accordance with the requirements of the General Laws, we certify that at the close of registration on

_____________________________, the number of registered
date of close of registration

voters was as follows:

Precinct	Registered Voters	Precinct	Registered Voters
Total			

Town Clerk_____________________

SAMPLE RETURN TO STATE SECRETARY

NUMBER OF VOTERS BY PARTY ENROLLMENT

Towns Without Precincts

$5\frac{1}{2}$" X $8\frac{1}{2}$"

Red Printing

E-82. 2M-12-71-050891

The Commonwealth of Massachusetts

Secretary of the Commonwealth

The following is the total number of registered voters, the number of enrolled voters of the Democratic and Republican parties and the unenrolled voters in the town of ....

Registered Voters	ENROLLED VOTERS		Unenrolled Voters
	Democratic	Republican	

....

TOWN CLERK.

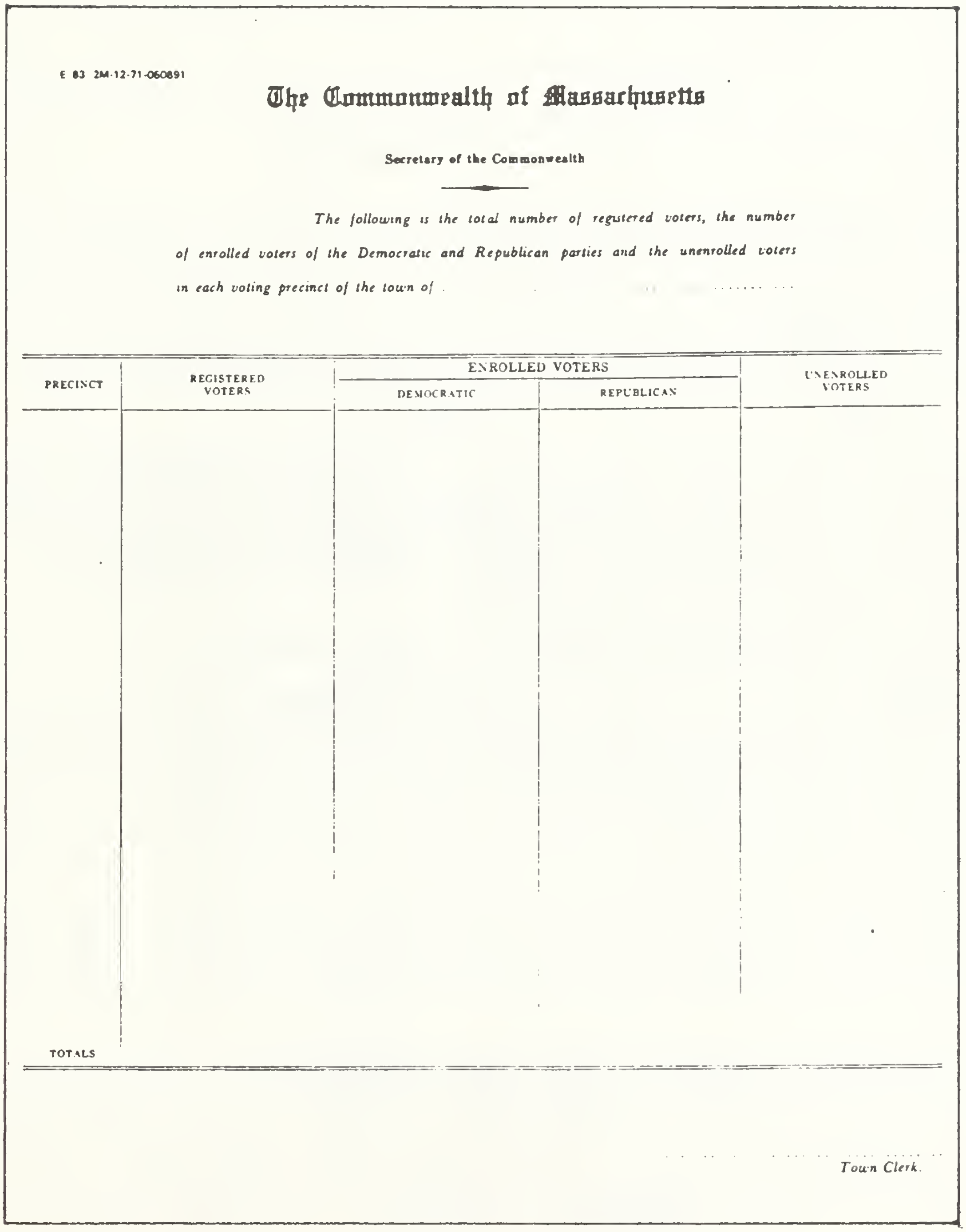
SAMPLE RETURN TO STATE SECRETARY

NUMBER OF VOTERS BY PARTY ENROLLMENT

Towns With Precincts

8½" X 11"

Red Printing



E 83 2M-12-71-060891

The Commonwealth of Massachusetts

Secretary of the Commonwealth

The following is the total number of registered voters, the number of enrolled voters of the Democratic and Republican parties and the unenrolled voters in each voting precinct of the town of ....

PRECINCT	REGISTERED VOTERS	ENROLLED VOTERS		UNENROLLED VOTERS
		DEMOCRATIC	REPUBLICAN	
TOTALS				

.... *Town Clerk.*

SAMPLE PETITION FOR REGISTRATION SESSION

DISTANT LOCATION: 51:30

Date____________________

This is to request that the Board of Registrars hold a

registration session for the

____
(state election/annual town election/meeting)

at____
(specify area or location)

on ___________________________
(date)

from _____________A.M/P.M. to ________________A.M./P.M.
(hour) (hour)

We certify that there are at least 10 citizens living near the location stated above who are entitled and desire to be registered. (To register, a person must be a resident of this town, a U.S. citizen and at least 18 years old by the next primary, election or town meeting.)

(At least 10 registered voters must sign below.)

SIGNATURE	VOTING ADDRESS

Person to be contacted to arrange for session:
Name_________________________________, Tel. No_________________________

Petition must be filed with the Town Clerk, Town Hall, not later than 5 P.M. on ________________________.
(date)

SAMPLE PETITION FOR REGISTRATION SESSION

PLACE OF EMPLOYMENT OR PRINCIPAL ACTIVITY: 51:42B

Date________________

REQUESTED REGISTRATION SESSION

DATE____
LOCATION____
HOURS____

PETITION

The undersigned, registered voters of the town of [name], hereby petition the Board of Registrars for approval of a session for the registration of voters as provided by Chapter 51, section 42B of the General Laws at the date, location and hours stated above. There are 10 or more persons regularly at the place indicated above who desire and are entitled to be registered as voters of this town.

(At least 10 registered voters of the town must sign below.)

SIGNATURE	VOTING ADDRESS

PERMISSION FROM CUSTODIAN OR OWNER (check one)

☐ FOR PUBLIC BUILDINGS ONLY: We certify that we have obtained oral permission from the person having custody of the building to have a registration session held on the date and at the time state above.

☐ FOR PRIVATE PROPERTY ONLY: We have attached the written permission of the owner of the property (or his authorized representative) to have a registration session held on the date and at the time stated above.

PERSON TO BE CONTACTED TO ARRANGE FOR SESSION
NAME____________________________TEL. NO.____________________

Petition must be filed with the Board of Registrars, Town Hall, not later than 5 P.M. on______[date]______.

SAMPLE WRITTEN PERMISSION OF OWNER

PETITIONED REGISTRATION SESSION: 51:42B

(To be attached to petition)

Date________________

I hereby grant permission for a voter registration session to be held at ______________________________
location

on _________________ from ____________A.M. to _____________P.M.
(date) (hour) (hour)

____
Signature

____
Printed Name

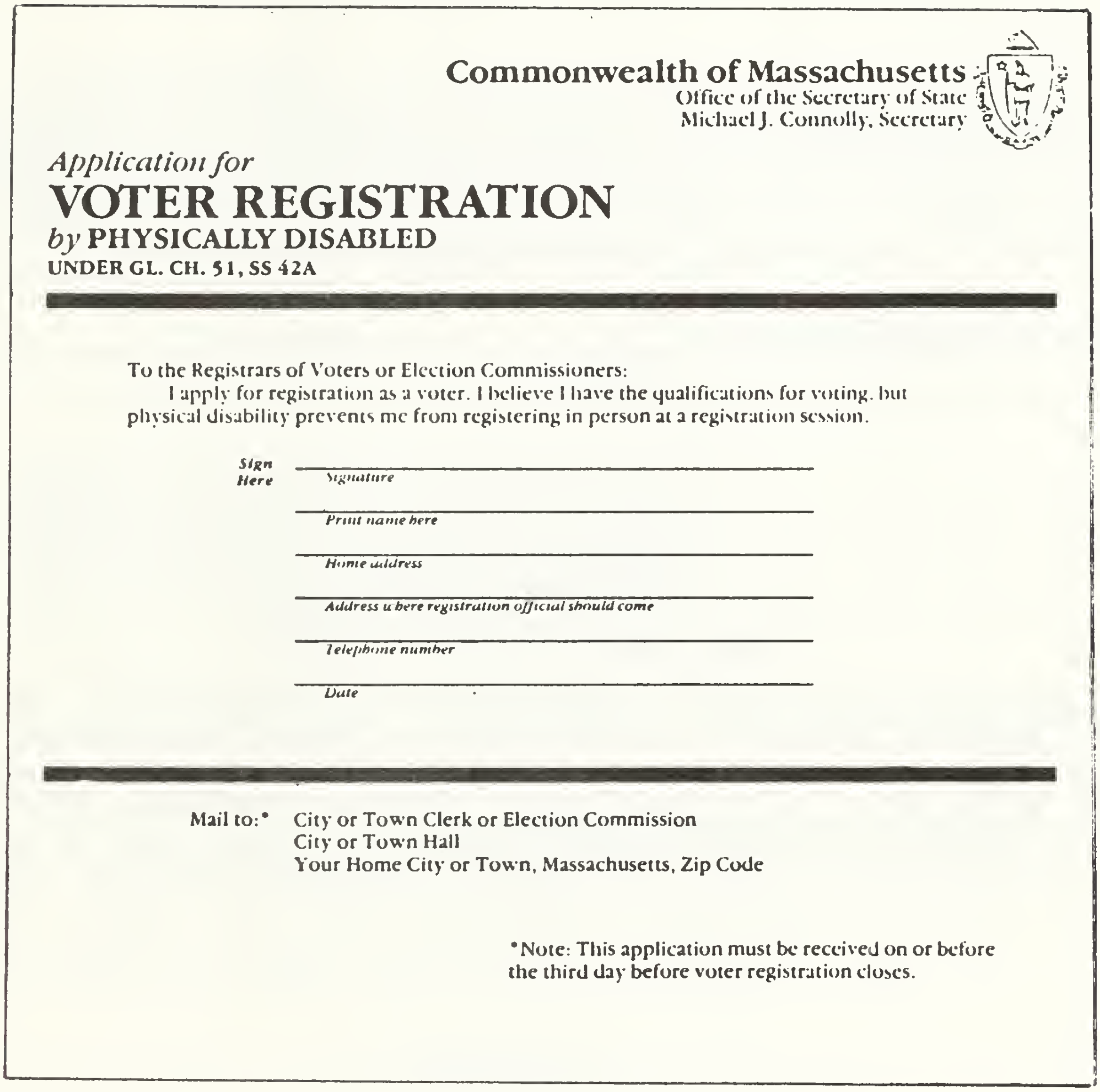
____
Owner/Authorized Representative

Tel. No.________________

(Written permission must be filed not later than the time the petition is filed with the board of registrars.)

Note: This written permission may be incorporated in the petition form.

SAMPLE APPLICATION - ABSENT REGISTRATION



Commonwealth of Massachusetts
Office of the Secretary of State
Michael J. Connolly, Secretary

Application for
VOTER REGISTRATION
by **PHYSICALLY DISABLED**
UNDER GL. CH. 51, SS 42A

To the Registrars of Voters or Election Commissioners:

I apply for registration as a voter. I believe I have the qualifications for voting, but physical disability prevents me from registering in person at a registration session.

Sign Here ______________________________ *Signature*

______________________________ *Print name here*

______________________________ *Home address*

______________________________ *Address where registration official should come*

______________________________ *Telephone number*

______________________________ *Date*

Mail to:* City or Town Clerk or Election Commission
City or Town Hall
Your Home City or Town, Massachusetts, Zip Code

*Note: This application must be received on or before the third day before voter registration closes.

SAMPLE CERTIFICATE OF SUPPLEMENTARY REGISTRATION

(51:50,51)

SUPPLEMENTARY REGISTRATION - SPECIALLY QUALIFIED VOTER

Date________________

We, the undersigned, being a majority of the Board of Registrars
of the Town of [name], certify that______________________________
(name of voter as registered)
registered to vote in this town under the provisions of Chapter
51, Section 51, G.L. on the date above, is enrolled in the
____________________________________ and is entitled to vote in
(Dem., Rep., Unenrolled)
the election/primary of ____________ in Precinct #_____________.
(date)

____
____
____
____
Registrars of Voters

Election Officers: Make a check mark on this certificate. If, at a primary, a voter is not enrolled in a party, mark the party initial on this certificate to indicate the party chosen. Place this certificate in the back of the voting list notebook [attach this certificate to the voting list].

SAMPLE COMPLAINT UNDER 51:47B

Date________________

I, the undersigned, a Registrar of the Town of [name] have reason to believe that [registrant's name], of [street address shown on affidavit] who registered to vote on [date of registration], made a false statement on his affidavit of registration because the address entered is a shopping mall.

____
(Registrar's signature)

....

SAMPLE COMPLAINT UNDER 51:48

Date________________

I, the undersigned, of [street address], a registered voter of [name of town], have reason to be believe and do believe that [name] has been illegally registered as a voter in the town of [name] because he is not a resident of the town.

Signed under the pains and penalties of perjury.

____
Complainant

Note: The complaint may be notarized and in that case, a signed notarial certificate should appear under the complainant's signature.

SAMPLE

SUMMONS

The Commonwealth of Massachusetts

..............................*ss.*

To ....

....

....

..............................*greeting.*

You are hereby commanded, *in the name of The Commonwealth of Massachusetts, to appear before the*..............................*Court*..............................*holden at*..............................*within and for the county of*..............................*on the*..............................*day of*..............................*at*..............................*o'clock in the*..............................*noon, and from day to day thereafter, until the action hereinafter named is heard by said Court, to give evidence of what you know relating to an action of*..............................*then and there to be heard and tried between*..............................

..............................*Plaintiff , and*

..............................*Defendant , and*

you are further required to bring with you..............................

....

....

....

....

....

....

....

Hereof fail not, *as you will answer your default under the pains and penalties in the law in that behalf made and provided.*

Dated at ....*the*..............................*day of*..............................

A. D. 19

....

Notary Public — Justice of the Peace

RETURN OF SERVICE

I this day summoned the within named

to appear and give evidence at Court as within directed by delivering to...............

in hand,—leaving at *last and usual place of*

abode, to wit: No. .... *Street,*

in the.............................. *District of said* *an attested*

copy of the subpoena together with ... *fees for attendance and travel*

Service and Travel

____

Police Officer, Constable, Deputy Sheriff

Cop.

Pd. Witness

Motor Vehicle

It being necessary I actually used a motor vehicle the distance of............... *miles in the service of this process*

____

Police Officer, Constable, Deputy Sheriff

Subscribed and sworn to before me ....

This *day of* 19

....

Notary Public

My commission expires__________________________ 19___

3

NOMINATIONS

I NOMINATIONS FOR TOWN OFFICE

A. GENERAL

There are several methods by which a person can be nominated for town office. He may run and be successful in a primary or preliminary election, be nominated by a caucus, or file nomination papers, depending upon the circumstances in a given town.

Most towns in Massachusetts hold a nonpartisan annual town election only and nomination is made by filing nomination papers. Some towns hold party primaries or a nonpartisan preliminary election before the annual town election and nominations for town offices are made by the voters at these events. However, in order to have his name printed on a primary or preliminary election ballot, a person must file nomination papers, unless nominated to fill a vacancy.

In towns having primaries, a person not enrolled in a political party may have his name printed on the town election ballot by filing town nomination papers and in that case, he would not have run for nomination in the primary.

In towns holding preliminary elections, if there are not more than twice the number of candidates for a given office than there are persons to be elected, that office does not appear on the preliminary election ballot. And, if not more than twice the number of candidates file nomination papers than there are persons to be elected to all offices, no preliminary election is held. The filing of nomination papers places the candidates' names directly on the town election ballot.

Some towns hold caucuses in which candidates for the annual town election are nominated. A caucus may be nonpartisan or held by a political party. Nomination papers are required only for a political party caucus in which official ballots are used. After each political party or nonpartisan caucus is held, a certificate of nomination must be filed. The names of candidates appearing on the certificate are printed on the general election ballot. However, a person not nominated by caucus, may have his name printed on the town election ballot by filing town election nomination papers.

The following outlines the provisions found in the General Laws related to nominations for town office and in the Regulations 950 CMR 55.00, Certification of Nomination Papers and Petitions, promulgated by the state secretary. The provisions and procedures are the same for special and regular elections. In towns having preliminary elections, the town charter or special act provisions should also be consulted for details of procedures. In towns having caucuses, the town charter, special act, town meeting votes or party rules and regulations related to caucuses should be consulted for details of procedures.

NOTE: Since almost all towns in Massachusetts use official ballots at town elections, the nomination procedures when official ballots are not used are not covered in this manual.

B. NOMINATION PAPERS

1. Preparation

a. town elections [53:17]

The state secretary must prepare blank forms for the nomination of candidates for town offices and provide them to the clerks of towns where official ballots are used. The state secretary may not provide blank nomination papers directly to candidates for town office.

The Elections Division distributes a supply of blank town election nomination papers to each town in the late fall of each year. If the supply you receive is not sufficient, additional forms may be obtained by calling the Elections Division at 617-727-2828 or 1-800-462-8683.

NOTE: The state secretary supplies nomination papers to a regional school district clerk for candidates for school committee member only if they are to be elected district-wide at a state election. [53:122(b); 1988:10] (see sample regional school committee nomination paper on page 271 and 272) However, he does not supply nomination papers to the clerk of a district, such as a water or fire district. Nor does he supply nomination papers to the clerk of a regional school district if the candidates for school committee member are to be elected district-wide at a town election under a special act. However, the town clerk may supply the district clerk with blank town nomination paper forms for distribution to the candidates for those district offices.

b. town primaries [53:58]

The town clerk shall prepare and provide blank nomination papers for use in the nomination of candidates to be voted for at town primaries. When the blank forms should be prepared will depend upon when candidates start requesting them, usually at least two months before the primary and sometimes earlier.

The General Laws do not specify the number to be prepared. The number needed may be estimated by averaging the number of candidates who have run in several past primaries in your town. Well more than the estimated number should be prepared, bearing in mind that, unless your town has accepted 53:9A, there is no limit in the General Laws on the number of forms to be given to each candidate. He may have as many as he requests, within reason. (see B. 4. c. number to be provided on page 133)

c. town preliminary elections

The town's charter or special act may specify that the town clerk prepare nomination paper forms for the use of candidates to be nominated at a town preliminary election. If not so specified, the town clerk usually does not prepare the forms and blank town election nomination papers prepared by the state secretary are provided to preliminary election candidates. (see B. 1. a. town elections on page 126)

d. political party caucuses - official ballots [53:95]

In towns having a political party caucus in which official ballots are used, the town clerk must prepare blank nomination papers for the use of each party. These papers are for candidates running in the caucus for nomination for town offices and for candidates running in the caucus for election as caucus officers.

Nomination papers should be prepared and provided to the town committee chairman or secretary well in advance of the date they are to be issued as specified in the caucus notice. (see 53:92) The number to be prepared may be estimated the same as outlined in B. 1. b. town primaries above, or the town committee secretary may be able to tell you how many papers are usually needed.

NOTE: With reference to municipal elections and to primaries and caucuses for the nomination of town offices, *political party* shall include a municipal party. A municipal party shall apply to a party, not a political party as to state elections or state primaries, which at the preceding town election polled for selectman at least 3 per cent of the entire vote cast in the town for that office. [50:1]

2. Format (see sample forms on pages 273 through 279)

a. town elections

The nomination papers provided by the state secretary for town elections are about 11" X 17," white with black printing. Form E-229 is for a single candidate and is the form most often used. Form E-228 is for the use of a group of candidates, whether or not they are elected incumbents, not more for each office than the number to be elected, unless prohibited by the town charter or special act. [53:8] Each form contains instructions for candidates, signers and registrars and spaces for the required information. (see B. 3. Contents below and B. 4. g. the blanket sheet on page 144)

b. other nomination papers

The nomination papers to be provided for town primaries or caucuses may be designed by the town clerk but must contain spaces for the required information. (see B. 3. Contents below)

NOTE: In towns having preliminary elections, the charter or special act may specify the format for nomination papers.

3. Contents

a. town elections [53:7,8,9] (see B. 4. e. preparing the nomination paper for distribution on page 140 f. and B. 4. g. the blanket sheet on page 144 for information on what should be entered under each item.)

(1) required by General Laws

Certain information is required by the General Laws to be included on town election nomination papers as follows:

- the name of the candidate. [53:8] Form E-229 contains space for the name of only one candidate. Form E-228 contains spaces for the names of 26 candidates and may be used by a group of two or more candidates

- the candidate's residence with street and house number, if any [53:8]

- the office for which he is nominated [53:8]

- the district number or name, if any [53:8]

- the political designation, if any, which he represents expressed in not more than three words. [53:8] Under certain circumstances no entry should be made under this item. (see B. 4. e. preparing the nomination paper for distribution, - political designation on page 142)

NOTE: The information outlined in the five items above is required to be entered before any signatures of voters in support of the nomination are obtained. [53:8]

- the signatures and addresses of voters who are nominating the candidate [53:7]

- the registrars' certificate stating the number of signatures checked as voters qualified for the purpose of nomination. [53:7]

(2) other information

Spaces for additional information are provided on town election nomination papers. Some items are permitted but not required. Some items are required to be filed with the nomination papers and are provided on Forms E-228 and 229 for the convenience of candidates and the registrars. Other items apply only under certain specific circumstances.

- candidate for re-election An elected incumbent is permitted to state on his nomination paper, if he wishes, that he is a candidate for re-election. [53:8]

- term of office This item is not specifically required by the General Laws, but is necessary particularly when a vacancy is to be filled since the signers and the town clerk must be able to determine whether the candidate is running for the full term or for the unexpired term.

- the candidate's signature indicating he has accepted the nomination [53:9] Space for acceptance is provided on the form for convenience. 53:9 requires only that written acceptance be filed with the nomination paper.

- the deadline for submitting and filing papers. Spaces for the last day and hour for submitting nomination papers to the registrars and the last day and hour for filing nomination papers with the town clerk are provided on the papers to inform candidates of the deadlines although these items are not required by the General Laws.

- the candidate's certificate of registration. [53:9] The certificate of registration is included on Form E-229 for the convenience of the candidate and the registrars. 53:9 requires only that it be filed with the nomination paper.

NOTE: Spaces may be provided for the names of a committee of not more than 5 voters who may fill any vacancy caused by death or physical disability of the candidate. [53:14] Such spaces do not appear on the town election nomination paper form shown in the sample on pages 275 and 276 but will be included on updated forms. (see D. NOMINATIONS TO FILL VACANCIES on page 194)

b. town primaries [53:45,58,59,60]

Note: 53:60 states that 53:45, covering state primary nomination papers, shall apply to nomination papers for town primaries. Therefore, section 45 has been cited in the applicable items in the following:

(1) required by General Laws

Certain information is required by the General Laws to be included on town primary nomination papers as follows:

- the name of the candidate [53:45] The nomination paper may contain space for the name of one candidate, similar to Form E-229. Unless prohibited by town charter or special act, a town primary nomination paper may also contain spaces for the names of candidates for any or all offices to be filled at the town election but not more for any office than the number to be elected to that office, similar to Form E-228. [53:59,60] (see B. 4. g. the blanket sheet on page 144)

- the candidate's residence with street and house number, if any [53:45]

- the office for which he is nominated [53:45]

- the political party whose nomination the candidate seeks [53:45]

- the district name or number, if any. [53:45]

NOTE: The information outlined in the five items above is required to be entered before any signatures of voters in support of the nomination are obtained. [53:45]

- the deadline and location for filing The place of filing and the day and hour prior to which, nomination papers shall be filed must be included on the papers [53:58]

- the signatures and addresses of voters who are nominating the candidate [53:59]

- the candidate's statement indicating that he accepts the nomination [53:59]

NOTE: The candidate's name and written acceptance and the signatures of the voters must be on the primary nomination paper itself. Receiving and filing a nomination paper to which is attached a paper, card or device containing this information is specifically prohibited. [53:59]

(2) other information [53:9,45,48]

- certificate of party enrollment [53:48] A certificate of party enrollment may be included on the primary nomination paper, but this is not required since 53:48 does not require such a certificate to be issued.

- candidate's certificate of registration [53:9] Since a certificate of party enrollment is not required to be issued under 53:48, the provisions of 53:9 apply and require that a certificate of registration be filed with nomination papers. The certificate may be included on the nomination papers.

- candidate for renomination [53:45] A candidate, who is an elected incumbent, may include as part of his 8 word statement that he is a candidate for renomination. (see below)

- eight word statement [53:45] Space should be provided on the nomination paper for a candidate to include, if he wishes, in not more than 8 words, the public offices which he holds or has held. (see 1986:695)

- term of office This item is not specifically required by the General Laws, but is necessary particularly when a vacancy is being filled since the signers and the town clerk must be able to determine whether the candidate is running for the full term or for the unexpired term.

c. town preliminaries

The contents of town preliminary nomination papers are the same as town election nomination papers except that, unless prohibited by the town's charter or special act, spaces may be provided for the candidate to enter, if he wishes, in not more than 8 words, the public offices which he holds or has held, including that he is a candidate for renomination, if applicable. (see 1986:695 and 53:34)

d. political party caucuses - official ballots [53:7,45,60,95,96]

Nomination papers to be used for political party caucuses are subject to 53:45 and 53:60. The required contents of the papers are substantially the same as outlined under B. 3. b. town primaries on page 129, except that the nomination paper of a candidate for caucus officer shall not contain the 8 word statement permitted by 53:45. [53:96]

The place of filing and the day and hour prior to which the signed nomination papers shall be filed must be stated on the papers. [53:95] In addition, no nomination paper may be received or be valid to which is attached any paper, card or device containing the name of a candidate, his written acceptance or the signature of any voter. This information must be on the nomination paper itself. [53:96]

The first sentence of 53:7 and the text of 53:45, 60 and 96 through 101 must be printed on the back of each nomination paper. [53:95]

Note that the provisions of 53:48 with respect to party enrollment apply only to primaries. A political party caucus may nominate any candidate, regardless of his party enrollment, if its rules permit. In that case, there would be no need to include a party enrollment certificate on the nomination papers.

A certificate of registration is not required by the General Laws for candidates for caucus nomination.

4. Providing Nomination Papers [53:9A,17,58,95; 56:11]

The town clerk shall provide blank nomination papers. However, the papers may not be provided to any person except the candidate seeking the nomination or to a person presenting the candidate's signed authorization to obtain the papers on his behalf. [53:17,58] (see sample authorization on page 280)

EXCEPTION: For political party caucuses in which official ballots are used, the town clerk must provide the nomination papers only to the chairman or the secretary of the political committee for whose use they have been prepared. [53:95] The secretary of the political committee is responsible for providing the papers to the candidates for caucus nomination.

The following outlines procedures for providing town primary, preliminary and general election nomination papers.

NOTE: In towns having a nonpartisan caucus, a person not nominated by caucus may become a candidate in the general election by filing town election nomination papers. In towns having political party caucuses, a person not nominated by caucus may also become an *independent* candidate in the general election by filing town election nomination papers, even if he were a candidate for caucus nomination and lost. 53:48 requiring candidates to be unenrolled for 90 days prior to filing nomination papers applies only where there are primaries. If the candidate is running in the general election, the procedures outlined below for town election nomination papers apply.

a. when provided

The General Laws do not specify an earliest date on which nomination papers must be provided to candidates or their authorized representatives. In some towns, the town clerk asks all candidates to wait to obtain nomination papers until after January first each year in order to allow time for calculating the election calendar, preparing or updating written information for candidates and for preparing for the annual town census.

Since the General Laws are silent on the matter, the town clerk may, at his discretion, establish a reasonable time for releasing blank nomination papers to candidates, such as four weeks prior to the deadline for submitting papers to the registrars for signature certification.

If your town has not accepted 53:9A, there is no deadline for obtaining nomination papers. However, as a practical matter, a candidate must obtain his papers in time to collect sufficient signatures and submit them to the registrars before the deadline for submission has expired. In some towns, it is not unusual for candidates to obtain their nomination papers in the morning of the day on which they must be submitted.

If your town has accepted the provisions of 53:9A, the deadline for obtaining nomination papers is 48 weekday hours prior to the hour on which the papers are to be submitted to the board of registrars for signature certification. For example, if the papers must be submitted by 5:00 P.M. on a Monday, the deadline for obtaining papers is 5 P.M. on the previous Thursday since Saturday and Sunday are not counted.

b. filling vacancies

If an elected official dies, a vacancy in the office exists on the date of death. If an elected official, except a selectman, resigns from office, a vacancy does not exist until the resignation becomes effective either on the date specified in the resignation or, if no date is specified, on the date it is filed with the town clerk. (see 41:109)

If there is a resignation in the office of selectman creating a vacancy at some later time and the resignation is filed with the town clerk, the town clerk shall certify that a vacancy shall occur at the later time stated. The remaining selectmen may call a special election to fill the vacancy, provided the election is not held prior to the effective date of the resignation. (see 41:10; 1985:34) The selectmen must call a special election if a valid petition is filed not less than 100 days prior to the date of the next annual town election. (see PETITIONS, VI. PETITIONS - SPECIAL ELECTION TO FILL VACANCY IN OFFICE OF SELECTMAN on page 425)

In order for a vacancy in any elected office to be filled at a town election, either an annual or a special election, the selectmen must file a notice with the town clerk not less than 57 days before the date of the election. (see 41:10; 1987:112) Nomination papers should not be made available until the notice is received since the office having the unexpired term may not be included on the ballot without such notice.

If the vacancy does not exist, except as outlined above for the office of selectman, and if the notice is not received by the 57th day prior to the next election, the vacancy is not filled at that election.

The 57 day notice provisions apply to vacancies to be filled at an election even if the vacancy has been temporarily filled by vote of the selectmen or the selectmen and the remaining members of the board or committee under 41:11,14,40 or 81A. 41:11 and the other general law sections specify how long the person appointed is to serve. 41:10 containing the 57 day notice requirement governs the procedure for electing a person to serve for the remainder of the unexpired term.

NOTE: 41:10 as amended by 1987:112, requires the notice to be filed before an annual or special town election. However, in towns having a primary or preliminary election, these events must be held before the annual or special town election. The selectmen's notice should be filed with the town clerk at least 15 days before the last day for submitting primary or preliminary nomination papers to the registrars for signature certification even though the notice will be filed more than 57 days before the general election.

c. number to be provided [53:9A]

The number which may be provided to each candidate will depend upon whether or not your town has accepted 53:9A.

If your town has not accepted 53:9A, there is no limit specified in the General Laws on how many blank forms may be given to each candidate. The town clerk should provide as many blank forms as the candidate requests up to a reasonable limit. The limit may be determined by the town clerk but should be more than that specified under 53:9A.

If your town has accepted 53:9A, the candidate shall receive not more blank forms than will contain the number of signatures required to place his name in nomination multiplied by 5.

EXAMPLES:

(1) If form E-229 is to be used and 50 signatures are required for nomination, a candidate may be given not more than 5 blank nomination papers. More than 250 signatures may be obtained since each paper contains spaces for 58 signatures, but 4 papers would permit the candidate to obtain only a total of 232 signatures and would not comply with 53:9A.

(2) If form E-228 is to be used by a group of candidates and 50 signatures are required for nomination, the group may be given not more than 6 blank nomination papers since each paper contains only 42 spaces for voters' signatures.

The General Laws do not prohibit a person from being a candidate for and being elected to two separate offices at the same election. For example, in many towns, the town clerk is also the town treasurer and/or tax collector. In some towns, the town clerk is also a selectman.

Unless prohibited by town charter, special act or bylaws, a candidate may be provided with two or more sets of nomination papers, one set for each office. Or, he may be provided with a form E-228, group nomination paper, and enter each office on a separate line and his own name opposite each office.

If the town charter, special act or bylaws prohibit a person from holding two elective offices concurrently, a candidate may be provided with two sets of nomination papers at the same time, one set for each office or a form E-228. If he were elected to both offices, he would have to decide which office he wished to hold and resign from the other at that time.

If the town charter, special act or bylaws prohibit a person from running for two elective offices concurrently, the candidate may be provided with only one set of nomination papers. He must decide for which office he wishes to run before obtaining his nomination papers.

d. statement of intention [53:9A] (see sample statement of intention on page 280)

If your town has not accepted 53:9A, no statement of intention is required.

However, if your town has accepted 53:9A, each candidate must file with the town clerk prior to obtaining blank nomination papers, a statement containing his name and address and the office for which he intends to be a candidate. In many towns, a statement of intention form, prepared by the town clerk, is used and the form is given to a candidate at the time he requests nomination papers. While not specifically required by the General Laws, the form should contain a space for the term of office, particularly if a vacancy is to be filled since the town clerk must be able to determine whether the candidate is running for the full term or for the unexpired term.

If the candidate cannot appear in the office to complete and file his intention statement and obtain nomination papers, a form may be sent to him by mail. He should complete and sign it. He should also complete and sign a written authorization for another person to obtain his nomination papers for him. Both the intention and the written authorization should be presented by the person authorized. The intention statement and authorization may be combined on one piece of paper.

Time stamp or note the date and hour or receipt on the completed and signed statement. Check the form to be certain that all information has been entered.

The deadline for filing an intention statement is 48 weekday hours prior to the hour on which nomination papers must be submitted to the registrars. (see B. 4. a. when provided on page 132)

NOTE: 53:9A may be accepted by towns having a general election only or by towns having a primary, a preliminary or a caucus. If a primary, 53:9A would apply to papers for a primary candidate and for an unenrolled candidate running in the general election. Unless the town charter or special act provided otherwise, 53:9A would apply to preliminary nomination papers. If a caucus, 53:9A would apply to nomination papers for candidates not nominated by the caucus and running in the general election only.

e. voter registration records

Every town must choose its elected town officers *by ballot from its registered voters*. [41:1] In order to hold elected office in a town, a person must be a registered voter of the town and, if applicable, of the district or precinct from which he is elected.

Voter registration records should be checked before providing nomination papers as follows:

(1) towns without primaries

(a) statement of intention required

If an intention statement is required, compare the candidate's signature and address on the intention with those items on his affidavit of registration. The candidate should sign his intention form as he is registered. His address on the form and on his affidavit should be the same. If the intention form is in order, make a check mark on it to indicate that the record has been checked.

If his name or address is different, corrections should be made on the intention statement or on the affidavit of registration as appropriate.

EXAMPLES:

- If a candidate originally registered using one form of his name but he has changed his name, have him re-sign his affidavit of registration.

- If the candidate signed his name on the intention in a different form from that in which he is registered but does not wish to change his name as it appears on the voting list, have him re-sign the intention form.

- If the candidate has moved since he originally registered but his new address has not yet been entered on the voter registration records, the address may be corrected. In towns having precincts, ask the candidate to file a written request for a change of address and inform him of his new polling place. The registrars may require that the request be signed under the penalties of perjury. (see 51:3, 1986:512 and PREPARING ELECTION MATERIALS, V. VOTING LISTS in Volume 3 of this series)

Note that if you are in doubt about the person's identity or his address, identification may be requested. However, identification may not be required as a condition for obtaining nomination papers.

(b) no statement of intention required

If no statement of intention is required, check the person's name and address as he states it when he asks for nomination papers and compare that information with the current affidavits of registration. Corrections in the record may be made as outlined under EXAMPLES: above.

(c) no affidavit of registration in current life

NOTE: If some voters do not have an affidavit of registration in the current file because they registered before affidavits were required (see 1973:1137), check the current voting list or annual register.

If a current affidavit of registration is not found, the person may still be entitled to receive nomination papers if he is eligible to register but simply has not yet done so. In that case, have him register before giving out the nomination papers.

If the candidate, who is not a registered voter, has authorized someone else to obtain his nomination papers, papers may be provided. However, the candidate should register with the town clerk before the deadline for filing nomination papers, since his certificate of registration is required at that time.

Note that a person who is qualified to register, except for age, may register and be given nomination papers provided he will be 18 years of age on or before the day of the election. His 18th birthday must be not later than the day following the election. (see 51:47A and VOTER REGISTRATION, II. B. Age on page 22) The constitution gives equal rights with respect to *electing officers, and being elected to public employments* to all inhabitants of the commonwealth who have the qualifications. [Mass. Const., Part The First, Art. IX] A person under 18 has a right to the nomination papers if he will be a voter by election day and consequently is capable of being elected on that day, even if he is not 18 on the final day for submitting papers to the registrars or for filing them with the town clerk.

A person may have been erroneously dropped from the voting list and may be eligible to have his name returned to that list. (see 51:59, Regs. 52.03(5), 53.03(5), 54.04(6) and ELECTION DAY, V. OMITTED VOTERS in Volume 4 of this series) In that case, obtain his affidavit of registration from the inactive file and check his name and address. His name should be entered on the voting list, his affidavit returned to the active file and he should be given nomination papers as requested. An omitted voter or listing error certificate used on election day is not issued in this case.

If you are in doubt whether or not the person's name should be returned to the voting list, have him reregister. Or, the registrars may meet and decide the question after the person has obtained nomination papers. The registrars' decision should be made before the deadline for filing nomination papers since the certificate of registration must be filed at that time.

(2) towns with primaries [53:6,48]

In towns having primaries, the voter registration records should be checked as outlined above under (1) towns without primaries. In addition, the party enrollment records should be checked to determine what kind of nomination papers the candidate should be given.

If the person is a candidate in the primary, he must have been enrolled in the political party whose nomination he seeks throughout the 90 days prior to the last day to submit nomination papers to the registrars for signature certification. [53:48; 1987:438] For example, if the last day to submit nomination papers were March 7, 1988, the candidate must have been enrolled in the party not later than December 7, 1987.

If, however, the person registered in your town after the 90th day prior to the submission deadline, he must have enrolled in the political party at the time he registered in order to be a candidate in the primary. [53:48; 1988:296]

NOTE: Prior to 1988:296, there was no exception to the 90 day enrollment requirement for running in a town primary. A person who registered to vote for the first time in your town during the 90 day period was not entitled to primary nomination papers even if he enrolled in the party at the time of registration. 1988:296 amended the 5th paragraph of 53:48 to permit newly registered and enrolled voters to become candidates in a town primary.

To determine the candidate's party enrollment, look at his affidavit of registration and note the date on which he registered and the party, if any, in which he enrolled.

(a) voter registered after most recent previous primary

If he registered after the most recent previous primary and the party shown on the affidavit agrees with the party whose nomination papers he requests, or if you find a party change card on file showing an enrollment in that party dated after he registered but before the deadline (December 7, 1987, in the sample above), he may be given the nomination papers of the party he requested. Or, if he registered after the deadline and enrolled in the party at that time, he may be given the nomination papers of the party he requested.

If, however, the enrollment on the affidavit is not the same as the party whose nomination papers he requested and there is no party change card on file or a party change card enrolling him in the correct party was filed after the 90 day deadline, he may not be given the nomination papers of the party he requested.

(b) voter registered before most recent previous primary

If changes in party enrollment have been entered on the affidavits of registration, look at the most recent entry. If that agrees with the party whose nomination papers were requested, the candidate may be given those papers. If it does not agree, or if changes have not been entered on the affidavits, the party change cards and the check list used in the most recent previous primary should be examined.

If a card is found enrolling the candidate in the appropriate party, note the date to be certain it is the most recent card he filed. If it is dated before the 90 day deadline for enrolling, he may be given the nomination papers of the party he requested.

If the most recent card filed cancels the person's enrollment and is dated before the most recent previous primary, look at the check list used at that primary. If the person voted in the party whose nomination papers he requested, he may be given those papers, provided the primary was held before the 90 day deadline. If, however, the person did not vote or voted in the other party at that primary, or the card is dated after the primary, the person may not be given party nomination papers.

In any case, if the person claims an error has been made in his party enrollment, other records such as earlier primary check lists, voting lists or street lists should be examined to determine whether or not the person's party enrollment on current records is in error. If an error has been made, the person's party enrollment should be corrected in the records and nomination papers provided as requested. (see also ELECTION DAY, VII. C. ERRORS IN PARTY ENROLLMENT in Volume 4 of this series)

However, in towns having primaries, a person may run as an unenrolled candidate in the general election only. In that case, he must not have been enrolled in any political party during the 90 days prior to the last day for filing nomination papers with the town clerk [53:6,48; 1987:438] and would be given town election nomination papers, Form E-229. Or, for a group of candidates, Form E-228 would be used. Note that in this case, the 90 day period is calculated from the date of filing papers with the town clerk, not the date of submitting them to the registrars.

The procedure for checking the records to determine that a person is not enrolled in a party is similar to that outlined above. However, the records must show, either on the affidavit of registration or on previous primary check lists or voting lists that the person is not enrolled in a party. Or, if the person were enrolled in a party at some time in the past on any of the records, a party change card cancelling his enrollment must have been filed on or before the 90 day deadline or he may not be given town nomination papers.

If, however, the person registered for the first time in your town within the 90 day period and did not enroll in a party at the time of registration or subsequently, he would be entitled to nomination papers as an unenrolled candidate.

In determining the voter's party enrollment, the registrars should examine only their own records. The party enrollment of an individual when he was previously registered in another town is not to be considered. (see Regs. 55.03(5) related to nomination papers for state offices)

f. preparing the nomination paper [43A:6; 43B:5; 53:8,45; 56:11] (see also B. 4. g. the blanket sheet on page 144 for information on papers for a group of candidates)

In many towns, particularly those in which a statement of intention is not required, the town clerk's office enters the required information about the candidate on each nomination paper. This is done to be certain the correct information is entered and to prevent the papers being used by anyone other than the candidate who appeared in the office requesting them or on whose behalf they were requested by an authorized person.

NOTE: Either the secretary of the political committee or the candidate himself would enter information on political party caucus nomination papers. The town clerk is not involved in this procedure. However, the information to be entered is the same as on primary nomination papers, except that the 8 word statement is not permitted on the papers of a candidate for caucus officer. [53:96]

In other towns, particularly if a statement of intention is required, the candidate enters this information himself.

In any case, the town clerk's office should enter the name of the town at the top of the nomination paper in the space provided on Form E-229. Papers prepared for town primaries or preliminaries may have the name of the town printed on the papers.

The town clerk's office should also enter the name of the day and date on which papers must be submitted to the registrars for signature certification and the name of the day and the date the papers must be filed with the town clerk. This information is not required by the General Laws to be entered on town election nomination papers but spaces for it have been provided on Form E-229 under DEADLINES. In some towns without primaries, only the deadline for submitting papers to the registrars is entered since candidates sometimes confuse the submission date with the filing date. Such confusion may result in a candidate's missing the submission deadline.

In towns with primaries, the place where and the day and hour prior to which primary nomination papers must be filed with the town clerk must be entered or printed on each nomination paper. [53:58] The deadline for submitting papers to the registrars may also be printed. In addition, the name of the party whose nomination the candidate seeks must be entered or printed on the nomination paper. [53:45]

In some towns, the year is entered in the title of the second column for voters' addresses, column III on Form E-229, since candidates and voters seldom know what year is required. [53:7] The purpose of entering an address in this column is to assist the registrars in finding the voters' names on the voting list if they have moved. If nomination papers are being distributed after January first of the year in which the election is to be held, the address on January first of the previous year will be needed unless the current annual census will have been completed and a new voting list prepared by the time signatures are being processed and certified.

The following information must be entered either by the town clerk's office or by the candidate before any signatures of voters in support of the nomination are obtained: [43A:6; 43B:5; 53:8,45]

- name of candidate The candidate's name should be in the same form as he is registered. If the candidate wishes to have his name appear on the nomination papers and on the ballot in a different form, he should re-sign his affidavit of registration and his name should be changed on the voting list to be used at the election. [53:8,45]

- residence The candidate's current voting residence should be entered. [53:8,45]

- office The title of the office should be in the same form as it appears in the General Laws, special act, charter or town meeting vote establishing the office and as it will appear on the ballot. [53:8,45]

- term of office While the General Laws do not specify that the term of office appear on the papers before collecting signatures, it should be included, particularly if a vacancy is to be filled since the signers should know whether the candidate is running for the full term or for the unexpired term. If the candidate is running to fill a vacancy, the number of years remaining in the term should be entered. For example, if a member of the planning board resigned after serving only one and one-half years of a five year term and the candidate is running for the unexpired term, 3 years, the number of years remaining in the term at the time of the election, should be entered. Otherwise, the number of years of the full term should be entered.

- political party (primary papers only) The name of the political party whose nomination the candidate seeks must appear on the papers. [53:45]

- district number or name, if any A district number or name is not needed unless a town officer, such as a member of the board of selectmen, is elected by district. However, in representative town meeting towns, the precinct number is needed on nomination papers of candidates for town meeting member. Note that Form E-229 does not contain a space for the district or precinct number. When necessary, this information may be added on the line after OFFICE. [53:8,45]

- political designation, if any, in not more than 3 words If a candidate is running only in the general election in a town which has primaries or political party caucuses, the designation entered on the town nomination papers, Form E-229, may be *unenrolled* or *independent*, but a designation is not required. [53:8] No political designation is entered on a primary or on a party caucus nomination paper since the name of the party must be entered. [53:45]

  The name of any organization which has been adjudicated subversive under 264:18 shall not be used in a political designation. [53:8]

  A political designation may not appear on the nomination papers under the following circumstances:

  - if the town election is not preceded by a primary or a political party caucus. [53:8] In this case, it is recommended that the town clerk cross out or draw a line through the words POLITICAL DESIGNATION (if any) on the nomination papers before distributing them so that candidates will not enter a party in the space provided.

  - on preliminary election nomination papers since a preliminary is a non-partisan election

  - on the nomination papers of candidates for charter commission [43B:5]

  - on nomination papers of candidates for town meeting member, if the town has accepted Chapter 43A. [43A:6] Otherwise, check the provisions of the town's charter or special act to determine whether or not a political designation is permitted.

  NOTE: Political designation is not to be entered on nomination papers of candidates for regional school district school committee elected district-wide at a state election and may not appear on the ballot. (see 53:8; 54:42; 1988:10)

The following items are either required by the General Laws but are not specifically required to be entered before signatures are collected, or are permitted but not required: [53:8,34,45]

- candidate for re-election [53:8] (general election papers only) *Yes* may be entered on Form E-229 in the space after CANDIDATE FOR RE-ELECTION, only if the candidate is an incumbent, elected by popular vote, of the office for which he is running. A candidate for election to the same office in a precinct or district which contains any portion of the territory which he was elected to represent at the last preceding municipal election for that office is considered an elected incumbent. (see 54:41)

An incumbent appointed under 41:11 or other applicable section of the General Laws by the selectmen or the selectmen and the remaining members of a board or committee to fill a vacancy is not entitled to enter *Yes* on Form E-229. Also, an incumbent elected to an office by a district who is an at-large candidate for the same office is not entitled to the designation *candidate for re-election* (see DePasquale v. Hirshberg. No. 83-5247; Mass. Super., Middlesex, Oct. 4, 1983)

- candidate for renomination (primary or preliminary papers only) If applicable, candidate for renomination, may be indicated on the nomination papers as part of the 8 word statement. [53:45] (see below) A candidate is entitled to the designation of candidate for renomination under the same circumstances as a candidate entitled to the designation of candidate for re-election outlined above.

- 8 word statement (primary or preliminary papers and party caucus papers, except those for caucus officers) [53:34,45,96; 1986:695]

  The candidate may state on one or more nomination papers, in not more than 8 words, the public offices he holds or has held, showing clearly whether he is a present or former incumbent. Candidate for renomination may be entered, if applicable. (see above) The word *veteran* may be used if the candidate is a veteran as defined in 31:1.

  The specific public offices which may be included in the 8 word statement were deleted from 53:34 and 53:45 by 1986:695. Holders of public offices must have entrusted to them in some degree the exercise of the power and authority of government. The duties must not be merely clerical, but must involve the exercise of some significant discretion or judgement. The position must not be merely advisory, or a political party position. If in doubt as to whether or not a particular office may be included in the 8 word statement, contact town counsel or the Elections Division.

  The 8 word statement does not need to be included on more than one nomination paper of the set provided to a candidate.

Note that the candidate does not need to sign to indicate his acceptance of the nomination until the papers are filed with the town clerk. (see 53:9,59) Also, even though you may have checked the voter registration and party enrollment records, the certificate of registration or, if used, the enrollment certificate does not need to be completed or signed by the registrars until the papers are filed with the town clerk. (see 53:9,34)

The penalty on whoever knowingly subscribes falsely to a statement on a primary nomination paper is a fine of not more than $50.00. [53:45] In addition, the penalty on whoever falsely makes or unlawfully signs a nomination paper is a fine of not more than $1,000.00 or imprisonment of not more than one year. [56:11]

g. the blanket sheet [53:7,8,45,58,59,60,96; 56:11]

Unless prohibited by town charter or special act, a nomination paper for a town general election [53:8], town primary [53:59,60] or political party caucus [53:60,96], may contain the names of candidates for any or all the offices to be filled at the town election, but the number of names of candidates for any one office may not exceed the number to be elected thereto. The signatures of voters obtained on the group paper nominate all the candidates listed.

The group nomination paper, usually called the blanket paper or blanket sheet, is used by elected incumbents who seek re-election or renomination. Form E-228 is used for a town preliminary or general election. A paper having a similar format and containing the party name may be used for a primary. By tradition, the town clerk's office prepares the blanket sheet by typing the required information on the front of the sheet for the candidates well in advance of the deadline for submitting signatures to the registrars for certification.

NOTE: A group nomination paper used for a political party caucus would be prepared by the secretary of the political committee or by the candidates themselves, not the town clerk. The information to be entered would be the same as on town primary group nomination papers.

The blanket sheets prepared for incumbents by the town clerk's office usually contain the offices and names of elected incumbents only. Incumbents appointed under 41:11 or other applicable section of the General Laws by the selectmen or the selectmen and the remaining members of a board or committee to fill a vacancy usually use individual nomination papers.

However, the General Laws do not prohibit the inclusion of appointed incumbents on the blanket sheet. In fact, any candidates, whether elected or appointed incumbents or those who have never held office, may use the group nomination paper. If the town clerk's office prepares a blanket sheet for incumbents, it should prepare the group nomination paper form (E-228) for any group of candidates and (E-229) for individual candidates in order to avoid the impression of favoring some candidates over others.

It is essential that the names of all candidates who are using the blanket sheet and the information related to each has been entered on the paper(s) before any voters' signatures are obtained. [53:8,45] A candidate's name may not be added after even one voter has signed in support of the nominations. Adding a name is likely to cause an objection to be filed. If so, the candidate whose name was added might well be prevented from having his name appear on the ballot. In addition, adding a candidate's name to a nomination paper after voters have signed is prohibited by 53:8 and the person who added the name would be subject to penalties for altering a nomination paper. (see E. OBJECTIONS on page 202 and 56:11)

NOTE: If your town has accepted 53:9A, each candidate must have filed an intention statement before his name may be entered on the blanket sheet.

The penalty on whoever knowingly subscribes falsely to a statement on a primary nomination paper shall be punished by a fine of not more than $50.00. [53:45] In addition, whoever falsely makes or unlawfully signs a nomination paper shall be punished by a fine of not more than $1,000.00 or imprisonment for not more than one year. [56.11]

In some towns, the town clerk does not prepare a blanket sheet and provides the group nomination paper form only if a request for that form is received.

(1) information to be entered

The town clerk's office should enter the following information whether or not it enters the required information related to candidates:

- town The name of your town should be entered at the top of Form E-228. Primary nomination papers usually have the name of the town already printed on them.

- party (primary papers only) The name of the party whose nomination the candidates seek must be entered or printed on the sheet. Note that all candidates listed must be enrolled in the same party. [53:45]

- deadlines On Form E-228, enter at the top right the name of the day and the date for submitting the nomination paper to the registrars for signature certification on the first set of lines and the name of the day and the date for filing papers with the town clerk on the second set of lines. In some towns, only the submission deadline is entered to avoid candidates' confusing the two deadlines.

  On primary nomination papers, the location and the last day and hour for filing papers with the town clerk must be entered. [53:58]

- Residence on January 1, 19__ In some towns, the year is entered in the title of the second column for voters' addresses, Column III on Form E-228. [53:7] (see B. 4. f. preparing the nomination paper for distribution on page 140)

The following information should be entered either by the town clerk's office or by the candidates.

NOTE: The items starred below must appear on the nomination paper before the signatures of any voters in support of the nomination are obtained.

- *office to be filled Enter in the first column the official title of the office as it will appear on the ballot. Enter only those offices for which there is a candidate to be listed on the paper. [53:8,45] If your town has accepted 53:9A, each candidate must have submitted his completed and signed intention statement.

- check if candidate for re-election (renomination) Enter a check mark in the second column on Form E-228 opposite the office title, if appropriate for the candidate whose name is to be entered. On primary or preliminary nomination papers, this item would be entitled *check if candidate for renomination*. A check mark may be entered only if the candidate is an elected incumbent of the same office. [53:8,45] (see B. 4. f. - candidate for re-election and - candidate for renomination on pages 142 and 143)

- *term of office Enter in the third column opposite each office title, the appropriate term of office in years. The number of years may be either the full term of office or the years remaining in an unexpired term.

- *name of candidate In the fourth column opposite the office for which he is running, enter the candidate's name as he is registered. [53:8,45]

- *residence Enter in the fifth column, each candidate's current voting address, street name and house number, if any. [53:8,45]

- I accept the nomination The candidates must sign in this column before the paper is filed with the town clerk. They may, but are not required to sign their acceptance earlier. [53:9]

- 8 word statement (preliminary or primary papers) The group nomination paper form E-228 does not provide space for the permitted 8 word statement. Each candidate may file with the town clerk a signed letter requesting that a specified 8 word statement be included on the ballot. [53:45] (see B. 4. f. - 8 word statement on page 143)

- political designation (see B. 4. f. - political designation on page 142) Note that all candidates whose names appear on the group nomination papers would have the same political designation. [53:8]

(2) number to be provided

The number of blanket sheets to be provided will depend upon whether or not your town has accepted 53:9A and may depend upon the number of voters' signatures required.

If your town has accepted 53:9A, the total number of blanket sheets which may be provided for the group of candidates is limited. (see B. 4. c. number to be provided on page 133)

If your town has not accepted 53:9A, the number provided is not limited. However, if 50 certified signatures are required, more than one blanket sheet on Form E-228 will be needed since each sheet contains spaces for only 42 signatures and well more than the required number of signatures should be obtained by the candidate.

Probably only one blanket sheet would be needed for a group of candidates in a primary since only 5 certified signatures are required.

(3) collecting signatures

See B. 6. Collecting Voters' Signatures on page 150.

It has been a common practice in the past to keep the blanket sheet in the town clerk's or other public office, or to place it on the town clerk's counter for voters to sign when they come in for other business. Such a practice must be avoided since it raises serious questions about violating The Campaign Finance Law [Ch. 55] and the Conflict of Interest Law [Ch. 268A] as well as state and federal constitutions. Likewise, public employees should not circulate a blanket sheet, except on their own time. (see B. 6. h. where to collect signatures on page 155)

The candidates whose names appear on the blanket sheet are responsible for collecting the required signatures. If one of the candidates is to obtain the blanket sheet from the town clerk for the purpose of collecting signatures, he must first present the written, signed authorization of each other candidate in the group. One letter of authorization may be used, provided all candidates sign it. [53:17,58] In addition, if the town has accepted 53:9A, the circulator would also have to present the signed intention statement of each other candidate in the group if the intention statements have not already been filed.

Note that each candidate whose name appears on the sheet may also sign as a voter in support of the nomination.

h. town meeting members (representative town meeting towns only) [43A:6; 1986:695; 53:7,10]

Non-incumbent candidates for town meeting member use the same type of nomination paper as other single candidates. Note that group nomination papers may not be used by candidates for town meeting member unless more than one member is to be elected from one precinct. The voters who sign the nomination papers must be registered in the same precinct as the candidate. [53:7]

Nomination papers are not required, however, for an elected incumbent town meeting member. Such a member may become a candidate for re-election by giving written notice thereof to the town clerk not later than 21 days prior to the last day and hour for filing nomination papers. [43A:6; 1986:695; 53:10] (see sample notice on page 281) For example, if the deadline for filing nomination papers were 5:00 P.M. on March 7, 1988, the notice must be filed by 5:00 P.M. on February 16th since the 21st day prior to the filing deadline was a holiday. (see 50:4)

The provisions of 53:10 with respect to incumbent town meeting members apply regardless of any contrary provisions appearing in the town's special act.

5. Material Provided with Nomination Papers

a. voting lists [51:55,58; 1986:402; 53:37]

A sufficient number of voting lists shall be printed so that they can be furnished free of charge, upon request, to all duly organized political committees and all political candidates for public office in the various districts in which the city or town is located. [51:55] 51:55 refers to the first voting list required to be printed and available by July first of every even numbered year. However, in many towns, each candidate for town office is provided with one free copy of the most recent printed voting list even if it has been reprinted after the July first voting list.

If a candidate has a political committee, that committee is not entitled to a free copy of the voting list under 51:55 since it is not a political committee as defined in 50:1. However, the Elections Division recommends that each candidate's political committee be provided with a free copy and in many towns, this is the regular practice. (see PREPARING ELECTION MATERIALS, V. VOTING LISTS in Volume 3 of this series for information on preparing voting lists) (see CAMPAIGN AND POLITICAL FINANCE in Volume 6 of this series for information on organizing a political committee)

In addition, 51:58 as amended by 1986:402, requires that the registrars provide to each candidate and duly organized political committee a free copy of the supplementary voting list containing the names of voters added to the annual register since the last posting of the voting list. (see VOTER REGISTRATION, VII. REGISTRATION PROCEDURES, 5. add names to annual register and f. prepare supplementary voting list on page 62)

Upon the written request of a primary candidate or any officer of a town committee or duly organized political committee, the registrars shall prepare and furnish free of charge, a copy of the party enrollment list of voters. [53:37] This list is a voting list and, if applicable, a supplementary list on which the current party enrollment of voters is shown.

b. street list [51:6]

A sufficient number of street lists, shall be printed, typed or mimeographed so as to furnish, free of charge, such lists, upon request, to all duly organized political committees and to all political candidates of the various districts in which the town is located. [51:6] Each candidate is entitled to one free copy of the street list as well as one free copy of the voting list.

If a candidate has a political committee, that committee is not entitled to a free copy of the street list under 51:6 since it is not a political committee as defined in 50:1. However, the Elections Division recommends that each candidate's political committee be provided with a free copy and in many towns, this is the regular practice. (see LISTS, G. STREET LIST in Volume 6 of this series)

In many towns, each candidate is provided with his free copy of the lists outlined under a. and b. above at the time he obtains his nomination papers. While not required by the General Laws, a record is often kept of the free copies given out on a card taped to the counter or to the desk of the person who usually handles nomination paper distribution. (see sample card on page 281) Or, the record is kept on a card or in a notebook containing the record of the number of voters' names submitted and certified for each candidate. (see B. 8. g. recording candidates' papers on page 163)

A candidate is charged the usual fee for any additional copies of the lists he requests. However, in some towns which reprint the voting list shortly before the annual town election, each candidate is also provided with a free copy of the new printed voting list upon request.

NOTE: Candidates for district office, such as fire, water or regional school district, should be provided with a free copy of the voting list and street list the same as candidates for town offices.

c. information for candidates (see samples on pages 282-285)

In many towns, written information is prepared for candidates for town office. It is updated, usually in November or December each year, if not earlier, and duplicated so that it is ready to be given out with nomination papers.

In some towns, this information is simply a listing of the submission and filing deadlines, number of signatures required on the nomination papers, the dates and hours of registration sessions, the dates and hours of the election, primary or preliminary, etc. In other towns, other information is also provided concerning the collection of signatures, qualifications for voter registration, applications for absentee ballots, etc.

d. campaign finance forms and information

Chapter 55 of the General Laws requires reports of campaign contributions and expenditures to be filed by candidates for local elective office and forms for these reports are provided to town clerks by the Office of Campaign and Political Finance.

In some towns, deadlines for filing campaign finance reports are included in the information for candidates outlined under c. above. In other towns, separate information on the Campaign Finance Law is prepared and given out with the report forms at the time the nomination papers are given out or the pamphlet prepared by the Office of Campaign and Political Finance is distributed.

The details of procedures with respect to campaign finance are covered in CAMPAIGN AND POLITICAL FINANCE in Volume 6 of this series.

6. Collecting Voters' Signatures

Collecting voters' signatures on nomination papers is the responsibility of the candidate. While each candidate is also responsible for educating himself on the requirements of the General Laws with respect to collecting voters' signatures, most town clerks assist candidates by providing this information, either in written form as outlined under B. 5. c. information for candidates on page 149, or verbally at the time nomination papers are provided. If a candidate's workers are to help collect signatures, the candidate should be certain they know what is needed.

a. number of certified signatures required [43A:6; 53:6,59,96]

The number of certified signatures required on nomination papers is outlined below. However, a candidate should collect well more than the required number in case some signatures cannot be certified. A candidate may not collect and submit additional signatures once the deadline for submission to the registrars has passed. (see 53:7)

NOTE: The number of signatures required on nomination papers of candidates for district office, such as a water or fire district, may be specified in the special act establishing the district. However, the number of signatures required on the nomination papers of candidates for regional school district committee to be elected district-wide at a state election is specified in the General Laws and is the same as on town election nomination papers. (see 53:6; 1988:10)

(1) town election nomination papers [43A:6; 53:6]

Unless otherwise specified in a special law, town election nomination papers must be signed by not less than a number of registered voters equal to one per cent of the entire vote cast for governor at the preceding state election in the electoral district or division for which the officer is to be elected. However, the number of signatures required is not less than 20 nor more than 50.

EXCEPTION: In representative town meeting towns, nomination papers of candidates for town meeting member must be signed by not less than 10 voters in the precinct in which the candidate resides if the town has accepted Chapter 43A. [43A:6] Otherwise, the number of signatures is specified in the town's charter or special act.

To calculate the number of signatures required, obtain the sum of votes cast in your town for all candidates for governor regardless of party, including write-in votes, if any, but excluding blanks. Then multiply the sum by 0.01.

EXAMPLES:

(a) If the votes cast in the town for all candidates for governor in the most recent November state election were 2,000 or less, 20 signatures are required.

(b) If the votes cast for all candidates for governor were 5,000 or more, 50 signatures are required.

(c) If the votes cast for all candidates for governor were 2,001-4,999, multiply the number by 0.01. If the result is not a whole number, it should be rounded off. For example, 32.1-32.4 should be rounded off to 32. 32.5-32.9 should be rounded off to 33.

If, however, the candidate is to be elected from a district, calculate 1 per cent of the vote for governor in that district and round off, if necessary.

(2) town primary nomination papers [53:59]

Town primary nomination papers shall be signed by at least 5 voters of the town where the primary is to be held.

Note that if an unenrolled candidate is running in the general election in a town which holds a primary, the number of certified signatures required on his nomination papers is the same as outlined under (1) above.

(3) town preliminary nomination papers

The number of signatures required on town preliminary nomination papers is not specified in the General Laws. Consult the town charter or special act to determine the number.

(4) political party caucus nomination papers [53:96]

Political party caucus nomination papers shall be signed by at least 5 voters of the town where the caucus is to be held.

b. who may sign [43A:6; 53:7,46; Reg. 55.02(3)]

Any registered voter of the town may sign a town election or preliminary election nomination paper for a town-wide office. If the candidate is running for a district office, such as a district member of the board of selectmen, only voters who are registered in that district may sign his nomination papers. If a candidate is running for town meeting member from a precinct, only voters who are registered in that precinct may sign his nomination papers. [43A:6; 53:7]

Only registered voters who are not enrolled in another political party may sign primary nomination papers. For example, Democrats and unenrolled voters may sign a Democratic nomination paper. Republicans and unenrolled voters may sign a Republican nomination paper. [53:46]

Note, however, that in order to have his signature certified, the signer must be a registered voter and, if applicable, enrolled in the appropriate party or unenrolled at the time the nomination papers are being processed by the registrars. [Regs. 55.02(3)] (see B. 9. Processing Nomination Papers on page 165) A person may sign a nomination paper and then register to vote as long as he registers before the signature is processed.

NOTE: Check the party rules and regulations related to party enrollment of signers on political party caucus nomination papers.

There is nothing in the General Laws to prohibit elected or appointed officials or employees of the town from signing a candidate's nomination paper and many regularly do so. In some towns, the town clerk chooses not to sign nomination papers since he believes that doing so may raise doubts about his impartiality in supervising the certification process and conducting the election. Some employees in the town clerk's/registrars' office choose not to sign nomination papers since they are involved in certifying signatures and in elections.

Many town employees are not town residents and not eligible to register. The candidate might do well to ask first if the person is a voter in the town.

Note that a candidate may sign his own nomination papers and if so, the signature should be checked and certified the same as any other voter's signature.

c. number of papers which may be signed [53:7,45]

Every voter may sign as many nomination papers for each office as there are persons to be elected thereto and no more. For example, if there is one person to be elected to an office, a voter may sign the papers of not more than one candidate for that office. If there are two persons to be elected to an office, a voter may sign the nomination papers of not more than two candidates for that office.

If one person is to be elected by a district or precinct and one person is to be elected at-large to the same office, a voter in the district or precinct could sign both a district or precinct candidate's and an at-large candidate's nomination papers since they are considered two separate offices.

If a particular office appears on the ballot twice because there is a vacancy to be filled, a voter may sign the papers of both a candidate for the unexpired term and a candidate for the full term. The unexpired term and the full term are considered separate offices even though the office title is the same.

In towns having primaries, an unenrolled voter may sign both a Democratic and a Republican nomination paper for the same office, only if there are at least two persons to be elected to that office. He could sign a Democratic nomination paper for a candidate for selectman and a Republican nomination paper for a candidate for assessor even if only one person is to be elected to each office. A voter, whether enrolled in a party or not, may sign a primary nomination paper and an unenrolled candidate's nomination paper for the general election for the same office, only if there are at least two persons to be elected to that office.

d. voters to sign in person [53:7]

Each voter signing a nomination paper must do so in person. However, if a voter is prevented from signing by physical disability, he may authorize some other person to write his name in his presence. To avoid the possibility of questions being raised later, the voter should probably have someone other than the person collecting signatures enter his name, if possible.

On form E-228 and E-229, the signature must be entered in column I entitled SIGNATURES to be made in person...

e. form of signature [53:7; Regs. 55.03(3)] (see also B. 10. Guidelines for Signature Certification on page 174)

The voter must sign his name as registered or substantially as registered. If he inserts or omits his middle name or initial from his name as registered, it must be considered substantially as registered. If the registrars can reasonably determine from the form of signature the identity of the duly registered voter, the name shall be deemed to have been signed substantially as registered and such signatures should be certified.

However, in order to avoid questions as to whether or not a voter's name can be certified, candidates should try to have voters sign nomination papers exactly as they are registered. Many town clerks suggest to candidates that they take a copy of the voting list or street list with them when they are collecting signatures so that the voter who is in doubt about how he is registered can check the list.

If a voter makes an error in signing his name, he should not correct his signature by crossing out or adding initials or letters. He should leave the incorrect signature as is and re-sign the paper on the next line. Altered or illegible signatures may be disallowed or challenged if an objection is filed. (see E. OBJECTIONS on page 202)

f. voter's address [53:7; Regs. 55.03(4)(b),(c)] (see also B. 10. Guidelines for Signature Certification on page 174)

Each voter who signs a nomination paper must enter his current address, with street name and house number, if any, unless he is prevented from doing so by physical disability. In that case, he may authorize some other person to enter his address in his presence. (see B. 6. d. voter to sign in person on page 153)

On form E-228 or E-229, the current address is to be entered in column II entitled NOW LIVING AT.

Each voter must enter his address, with street name and house number, on the preceding January first, only if it is different from his current address. On forms E-228 and E-229 this address is entered in column III entitled RESIDENCE ON JANUARY 1, 19__. (see B. 4. f. preparing the nomination paper for distribution on page 140) Note that the previous address does not need to be within the town if the voter signing the paper is a newly registered voter.

To avoid questions as to whether or not a signature can be certified, candidates should try to have voters write out the street name in full, be certain the house number entered is correct, and avoid the use of ditto marks in either the current or prior address column.

If he neglects to enter his address, the voter may add it at a later time before the nomination paper is submitted to the registrars, but it should not be added by anyone other than the voter himself unless he is physically disabled.

NOTE: While the General Laws do not specifically require it, a voter should sign nomination papers and enter his address in ink and the candidate should have a pen available when he is collecting signatures. A signature and address in pencil can easily be altered.

g. precinct number [Regs. 55.03(2)(a)]

A column entitled PREC. is provided on Forms E-228 and E-229 for the convenience of the registrars in certifying the signatures. The voter may but is not required to enter his precinct number.

h. where to collect signatures

The General Laws do not specify where signatures may be collected or prohibit signatures from being collected at any location except within 150 feet from the building entrance doors to a polling place on an election day. This prohibition applies regardless of type of election or the office for which the candidate is running. (see 54:65 and Regs. 52.03(22)(c), 53.03(18)(c), 54.04(22)(c)) A candidate may collect signatures on an election day provided he does so beyond the 150 foot boundary.

However, nomination papers may not be circulated by town officers or employees, except on their own time. In addition, nomination papers should not be left in town offices, especially the town clerk's office, for voters to sign when they come in for other business. To do so would raise serious questions about violating the Campaign Finance Law [Ch. 55] and the Conflict of Interest Law [Ch. 268A] since public funds may not be spent for political campaign purposes and a public employee is prohibited from engaging in activities which give a reasonable basis for the impression that any person can improperly influence or unduly enjoy his favor. In addition, the equal protection of the laws provisions of the state and federal constitutions may be violated. (see Anderson v. City of Boston, (1978), 380 N.E.2d 628; 376 Mass. 178) (see also CAMPAIGN AND POLITICAL FINANCE, VI F. Expenditure of Municipal Funds for Political Purposes in Volume 6 of this series and the "Guide to Campaign Practice" pamphlet).

It is a common practice for candidates to go through the town offices, the police and fire stations collecting signatures on nomination papers immediately after they have received them. However, unless the town clerk's office has entered the required information before giving him the papers, the candidate should be certain to enter that information prior to obtaining the first voter's signature or he will violate 53:8.

A candidate may collect signatures in the common areas of a privately owned shopping center provided he does so in a reasonable and unobtrusive manner and in accordance with the reasonable regulations of the owner. (see Batchelder v. Allied Stores International Inc. (1983) 445 N.E.2d 590; 388 Mass. 83) In some towns, a retail store permits candidates to leave nomination papers on the counter for voters to sign. Weather permitting, signatures are sometimes collected on the sidewalk or parking area in front of stores and in that case, the candidate usually places the paper on a large clip board.

Some churches permit nomination papers to be placed on a table in the lobby for voters to sign.

Often candidates take their nomination papers to the town sanitary landfill on a Saturday and obtain signatures there. Or, they collect signatures at meetings or functions of local organizations and meetings of town boards and committees or at high school sporting events.

While it is helpful to the registrars in checking the signatures if a candidate collects them by going door to door in a neighborhood, this method is time consuming and candidates do not generally use it.

i. penalty [56:11]

The penalty on whoever unlawfully signs a nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year.

7. Submitting Nomination Papers to Registrars [53:7,10,61]

After voters' signatures have been obtained, each nomination paper of a candidate for town office shall be submitted to the registrars of the town where the signers appear to be voters. [53:7] In any town, the time for presenting nomination papers to the registrars and for certifying the same shall be governed by 53:7, regardless of any contrary provision in any special law. [53:10] The purpose of this submission is to permit the registrars to examine the signers' names and determine how many of them are qualified voters of the town.

The provisions of 53:7 apply to all types of nomination papers, for a regular and special town election, primary and preliminary and in all cases where any statute, special act or home rule charter require the certification of the signature of a voter by boards of registrars. [53:7] 53:61 reiterates the submission provisions for town primary nomination papers.

NOTE: The General Laws do not require that political party caucus nomination papers be submitted to the registrars for signature certification. The established practice with respect to submission in your town should be followed. However, a person running in the town election only must submit his nomination papers to the registrars the same as in a town having no caucus.

In towns having an election commission, nomination papers must be submitted to that commission. In the following text, election commission should be substituted for registrars or board of registrars, except where indicated.

a. who must submit

The General Laws do not specify who must submit the nomination papers. Usually, the candidate himself brings his papers to the registrars' office, but the papers may be brought in by anyone the candidate chooses or they may be mailed.

While written authorization from the candidate is required for some other person to obtain nomination papers (see B. 4. Providing Nomination Papers on page 131), such authorization is not required for submitting papers for signature certification.

On occasion, a candidate will decide not to run for office after he has obtained his nomination papers but before he submits them to the registrars. In that case, he may simply not submit the papers. He is not required to notify the town clerk or registrars or formally withdraw his candidacy.

In some towns, if a candidate has not submitted his nomination papers by about noon on the last day for submission, the town clerk calls to remind him of the deadline.

b. deadline for submission [50:4; 53:7,10,46,61]

Every nomination paper shall be submitted to the registrars on or before 5:00 P.M. of the 14th day preceding the day on which it must be filed with the town clerk. [53:7,46,61] In any town, the time for presenting nomination papers to the registrars and for certifying the same shall be governed by 53:7, regardless of any contrary provision in any special law. [53:10]

NOTE: Unless a special act provides otherwise, nomination papers for district officers, such as a fire or water district, must be submitted to the registrars of the town in which the district is located on or before 5:00 P.M. of the Saturday preceding the day they must be filed with the district clerk. If the registrars' office is regularly closed on Saturdays, the deadline for submission is the following Monday. If the district is composed of parts of two or more towns, the papers must be submitted to the district prudential committee or the district commissioners who shall act as registrars of voters for the purpose of certifying signatures. [41:115] However, the nomination papers of a candidate for regional school district committee member to be elected district-wide at a state election must be submitted to the registrars of the town where the signers appear to be voters on or before 5:00 P.M. of the 28th day preceding the last day for filing with the district clerk. [53:122(d); 1988:10]

In calculating the deadline, Sundays and holidays should be included. However, when the final day for submission falls on a Sunday or holiday, the following day shall be considered the final day. [50:4]

EXAMPLES:

(1) If the deadline for filing nomination papers with the town clerk were Monday, March 7, 1988, the deadline for submitting them to the registrars was Monday, February 22nd.

(2) If the deadline for filing nomination papers with the town clerk were Monday, February 29, 1988, the deadline for

submitting them to the registrars was Tuesday, February 16th since the 14th day prior to the filing deadline was a holiday.

8. Receiving Nomination Papers

In most towns, the town clerk's office is also the registrars' office. However, even if there are two separate offices, the town clerk usually receives the nomination papers as a member of and clerk to the board of registrars.

NOTE: If the town has an election commission, papers should be received by that commission since the town clerk is not a member of the commission and has no duties with respect to nomination papers.

Procedures to be used are specified in 53:7 and in the Regulations 950 CMR 55.00 as indicated in the following.

a. time stamp [53:7; Regs. 55.02(1)]

Upon receipt, each nomination paper must be time stamped or marked with the date and time it was submitted. It is important that this be done since nomination papers must be certified in the order in which they were submitted. (see B. 9. b. order of processing on page 167) In addition, a record is needed to show that the papers were submitted before the deadline expired.

It is suggested that each paper in a set submitted by a candidate also be numbered, 1, 2, 3, etc. at this time if more than one is submitted.

In many towns, the time stamp is checked on the morning of the last day to submit nomination papers to be certain it is set at the correct time. The correct time may be obtained by calling the number listed in the telephone book under Time-Weather-Temperature. In some towns, the time stamp is moved to the town clerk's counter so that papers may be time stamped as soon as possible after they are presented. Doing so may be crucial if papers are submitted close to 5:00 P.M.

b. checking procedures

Check each paper to be certain it contains the information required to be entered at the top before signatures were collected. If the town clerk's office regularly enters this information before distributing the nomination papers, such a check may not need to be made. (see B. 4. f. preparing the nomination paper for distribution on page 140)

NOTE: If information has been omitted or is incorrect and it cannot be added or changed, the nomination papers should be accepted as submitted. Whether or not the validity of the papers is affected will depend upon what information has been omitted or is incorrect. If an objection is filed, the registrars must make the determination. (see E. OBJECTIONS on page 202)

Under certain circumstances, some information may be changed or entered at the time of submission. However, some information may not be changed under any circumstances. The penalty for wilfully altering a nomination paper, except as permitted by law, is a fine of not more than $1,000.00 or imprisonment for not more than one year. [56:11]

(1) candidate's name

If a candidate changed his name after he obtained his nomination papers, he may enter his new name. If a statement of intention were required, he should sign it again using his new name. He should also re-sign his affidavit of registration. Note that he must appear in person at the registrars' office to change the name in which he is registered.

However, he is not required to change his name on the nomination papers and may not wish to do so since the voters would probably be more likely to recognize his former name at the polls on election day. He may be registered in his former name until June first of the year following the change and his former name may be printed on the ballot. (see 51:2)

(2) candidate's address

If a candidate moved to a new location within the town after he obtained nomination papers, he may change the address on the papers and be listed on the ballot at his new address. However, he should submit a written request to have his address changed. Attach the request to his nomination papers. His address should be changed on the voting list and in the registration records. If the town has accepted 53:9A, he should make the address correction on his intention statement and initial the change.

Note that a candidate for a district or a precinct office may not have moved out of the district or precinct entered on his nomination papers unless the town's special act provides otherwise with respect to residence requirements.

(3) error in district or precinct designation
[53:7,46,61; 56:11A]

If the candidate is running for a district or precinct office, check to be certain that the correct district or precinct name, number or letter has been entered. If not, a correction must be made before the signatures are certified. If the correct district or precinct designation is not inserted, the nomination papers cannot be approved. [53:7,46,61]

The following procedures for changing a district designation are specified in the General Laws:

- the registrars must inform the candidate of the error and give him an opportunity to correct it before the signatures are certified. If the candidate has submitted the papers himself, he may make the correction at the time of submission. However, if someone else has submitted the paper, the registrars should contact the candidate as soon as possible so that he can come to the office to make the correction. Note that the correction must be made in the presence of the candidate.

- the candidate or the registrar should change the district or precinct name, number or letter directly on each nomination paper submitted and the candidate must initial each change. Draw a line through the incorrect entry, but do not erase it. Enter the correct information next to it.

- the candidate must prepare and sign a written explanation of the change. The explanation may be similar to the following: *Original district [precinct] name [number or letter] entered in error. Corrected on [date] at [time] at Registrars' office.*

- make two copies of the explanation. Attach the original to the nomination papers. The registrars must keep one copy and the candidate must keep the other copy.

  NOTE: The registrars' copy of the explanation may also be attached to the nomination papers, except for caucus papers if submitted, since the papers will remain in the town clerk's/registrars' office. For caucus nomination papers, the registrars' copy should be filed in their office.

The penalty on whoever falsely or wilfully alters the designation of the district on a nomination paper after the names of voters signed thereto have been certified is a fine of not more than $1,000.00 or imprisonment for not more than one year. [56:11A]

(4) re-election or renomination [53:8,34,45,60; 54:41]

If an elected incumbent candidate has neglected to indicate that he is a candidate for renomination or re-election, he may do so at the time the papers are submitted.

Candidate for re-election may be added to the name of a candidate on town election nomination papers if applicable, but is not required. [53:8] However, candidate for re-election must appear on the ballot if applicable, whether or not it was entered on the nomination papers. [54:41]

Candidate for renomination may be entered on town primary nomination papers but is not required by 53:45 to be entered before signatures are collected. [53:45,60] Unless prohibited by the town's charter, candidate for renomination may be entered on town preliminary nomination papers since it is permitted on the ballot. [53:34]

(5) political designation [53:8]

On nomination papers for a general town election not preceded by a primary or for a preliminary election, sometimes a candidate enters his party in the space for political designation since he assumes that if the space is provided an entry must be made there even though he knows that the election is non-partisan. Such an entry will not invalidate the nomination papers and if entered, the designation should not be printed on the ballot. It is suggested that the words POLITICAL DESIGNATION (if any) be crossed out on the nomination papers before they are distributed to candidates.

If the town has a primary, the omission of unenrolled or independent on the papers of a candidate running only in the general election does not invalidate the papers. Nomination papers for town office need not include the designation of the party which the candidate represents and if not on the nomination paper, political designation is not included on the ballot. (see 54:41) However, unenrolled or independent may be added at the time nomination papers are submitted if the candidate wishes.

(6) office [53:7,61]

In no case may a correction be made on a nomination paper to change the office for which the candidate is nominated. The office title may not be changed. In addition, the term of office may not be changed even if a candidate who obtained nomination papers to run for an unexpired term caused by a vacancy later changed his mind and wanted to run for the full term. The voters who signed the nomination paper did so on the basis that the candidate was running for the unexpired term, not the full term. The office having the unexpired term is different and separate from the office having the full term even though the office title is the same.

(7) acceptance of nomination [50:3A; 53:9,59]

The candidate is not required to have signed his name indicating acceptance of the nomination until the time the papers are filed with the town clerk. [53:9,59] However, many town clerks check this item at the time papers are submitted. If the candidate has not already signed, they suggest that he do so. If the candidate is not submitting his papers in person, the town clerk contacts him to remind him of the requirement. This procedure usually avoids the problem of having a candidate inadvertently forget to sign his acceptance. Such an omission at the time papers are filed with the town clerk will invalidate the nomination papers.

The candidate needs to sign only one of the nomination papers if he is submitting more than one. [50:3A]

NOTE: If the candidate in a town preliminary or general election cannot come to the office to sign his acceptance, he may mail a signed acceptance statement. Or, if time does not permit a mailed statement to reach the office before the filing deadline, he may send a telegram. Attach the signed statement or telegram to the nomination papers. However, this procedure may not be used by a town primary candidate since 53:59 requires his acceptance statement to appear on his nomination papers.

c. receipt [Regs. 55.02(1)] (see sample receipts on pages 286 and 287)

The General Laws do not require that a receipt be given to the person submitting the nomination papers. However, such a receipt is required by Regs. 55.02(1) and must show the number of nomination papers submitted. The name of the candidate and the office for which he is running should also be entered for identification. The date and the time of submission is also entered in most towns.

The total number of signatures submitted is entered on the receipt in many towns. In addition, if the alternate form of receipt shown on page 287 is used, the submitter may indicate how he wishes to be informed when signatures have been certified although this is not usually needed for town nomination papers. In any event, it is recommended that a copy of each receipt issued be kept on file in the office. (see B. 8. g. recording candidates' papers on page 163)

d. unused signature spaces [Regs. 55.02(5)]

The Regulations require that a solid line be drawn across all unused signature spaces on each nomination paper. If the papers are submitted in person, this must occur at the time of submission and in the presence of the submitting person.

It is suggested that a large X be drawn in ink through all unused signature spaces. This will prevent any signatures from being added after the papers have been certified.

e. unofficial signature check

On occasion a candidate will ask at the time of submission that the signatures be checked to see whether or not a sufficient number can be certified. Many town clerks perform an unofficial signature check for candidates, particularly if there is time for the candidate to obtain additional signatures before the submission deadline.

Some town clerks can usually tell whether or not a signature is probably certifiable simply by looking at it. When a signature is questionable, the name is compared to the voting list.

In some cases, the unofficial check consists of counting the total number of signatures submitted. If that number is well more than the number of required signatures, it is very likely that there are a sufficient number of certifiable signatures.

Usually an unofficial check takes little time and can be of considerable assistance to the candidate. However, all candidates who request a signature check should be treated the same since the appearance of favoring one candidate over another must be avoided.

In some towns where few signatures are required, the signatures are officially checked immediately after submission using the procedures outlined under B. 9. Processing Nomination Papers on page 165 while the candidate waits so that he is certain of the number of valid signatures before he leaves the office. The registrars complete and sign their certificates at a later time.

f. candidate's papers

It is suggested that all of the papers a candidate submits for a given office be stapled together. This will help insure that all signatures submitted by the candidate will be together at the time they are processed. Misplacing or misfiling one paper of the set must be avoided, particularly if there are only a few signatures on each paper.

Note that there is no requirement in the General Laws that a candidate submit the same number of papers as he obtained. He may have collected signatures on only one or two and the unused papers do not need to be returned.

g. recording candidates' papers [Regs. 55.02(4)]

An objection heard by the State Ballot Law Commission during 1986 revealed that signatures had been added to certain state nomination papers after they had been certified by the registrars. In order to minimize the possibility of such an event, the Regulations strongly recommend that the registrars keep records of each candidate's nomination papers.

While there is almost no opportunity for signatures to be added after certification of nomination papers for town primaries, preliminaries or elections since they do not leave the town clerk's/registrars' office, many town clerks keep a record for reference, particularly in towns where a large number of town nomination papers must be processed. (see B. 8. h. temporary file on page 164)

NOTE: Nomination papers for district officers or caucus nomination papers do leave the town clerk's/registrars' office after certification since they must be filed with the district clerk or secretary of the appropriate town committee.

In some towns, the total number of signatures submitted on each paper is entered on the receipt given out at the time papers are submitted and on the copy of receipt retained in the office. The copy of receipt may be used later to record the number of certified signatures. (see sample receipts on pages 286 and 287)

In some towns, the record is kept on a sheet of paper, a separate sheet for each candidate. Enter at the top of the sheet, the candidate's name, the office for which he is running and the term of office. Make a column for each of the following: date and time submitted, number of the paper, 1, 2, 3, etc., number of signatures submitted, number of signatures certified. If candidates regularly submit only one or two papers, the record for several candidates may be entered on a single sheet. (see sample record sheet on page 288)

In other towns a card file is created, one card for each candidate and the necessary information is entered on the card. (see sample & card on page 289)

h. temporary file

Unless a candidate's nomination papers are to be processed immediately after receipt, they should be placed in a temporary file. Since papers must be processed in order of receipt, they may be filed in that order. If there is a large number of candidates or more than one person is to process the papers, they may be filed by office and in order by time of submission within each office. (see B. 9. b. order of processing on page 167)

The record sheets, card file or copy of receipt may be arranged in alphabetical order by candidates' names to provide an index.

Be certain that the papers are kept securely, in a locked fire-proof filing cabinet, the office safe or the vault. Loss of signed nomination papers through fire or theft, or having a nomination paper tampered with would create a very serious problem. There is no provision in the General Laws for a candidate to obtain and circulate new nomination papers should the originals be lost or destroyed. The candidate would have to obtain a court order to have his name placed on the ballot.

NOTE: If the nomination papers were lost or destroyed after they had been certified and filed, the name could go on the ballot without a court order. Contact the Elections Division for further information.

i. public records [4:7(26); 56:11; Chapter 66; Public Records Access Regulations 950 CMR 32.00)

Nomination papers are public records and open to public inspection as soon as they are submitted to the registrars. [Regs.

32.05] Be certain that the person inspecting the papers is properly supervised to prevent marking or damaging the papers. Under no circumstances should you permit the nomination papers to be removed from the office.

The penalty for altering, defacing, mutilating or destroying a nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year. [56:11]

If requested and the appropriate fee is paid, a copy of a nomination paper must be provided. [Regs. 32.05(6)] If the office copier does not have large paper or does not have a reduction capability, a copy may be provided in sections on several sheets of 8 1/2" X 11" paper. Hold the nomination paper cross-wise so the column containing the check marks and the rejections codes is across the top of the copy. In that case, be certain that the top of the nomination paper containing the candidate's name and other information is included in the set of sheets. If the registrars' certificates have been completed, include them as well. Before giving them out, staple all sheets together placing the sheet with the candidate's name on top. Make a separate set of sheets for each nomination paper.

The fee for a copy of a public record using an office copier is 20 cents per page. [Regs. 32.06(1)]

NOTE: The requests for inspection or copies should not be permitted to disrupt the certification process to the extent that certification cannot be completed before the deadline for filing the nomination papers with the town clerk.

Some town clerks regularly prepare a list of the names, addresses and the office sought for all candidates who have submitted papers. If such a list is prepared, it is a public record and must be provided to any person who requests it including representatives of the news media. (see RECORDING AND FILING, I. FILING, RECORDING, INDEXING in Volume 2 of this series for further information on public records access)

9. Processing Nomination Papers

The General Laws do not specify the procedures to be used by the registrars in determining whether or not a signer's name can be certified on a nomination paper. All that is required is a simple comparison between the signature and address on the nomination paper and the name and address appearing on the current official list of registered voters to determine whether the signature is that of a registered voter. The registrars should not make any independent investigation as to whether or not the name should appear on the voting list. (see McCarthy v. Secretary of the Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667) In addition, they should not investigate the circumstances under which the signature was made to determine whether or not it was forged or obtained by fraud.

To avoid certifying the same signature twice on the same candidate's papers, or certifying a signature on more than the permitted number of papers, some method is needed to indicate which signatures have already been checked as certifiable while the remaining signatures on a given candidate's nomination papers and while other nomination papers are being processed. Should an objection be filed later which resulted in the rejection of a duplicate signature or one appearing on too many papers reducing the number of certified signatures to less than the required number, the candidate might be prohibited from having his name appear on the ballot as a result of the challenge.

NOTE: The registrars may correct errors or examine the unprocessed signatures on a nomination paper and certify those of registered voters before the deadline for filing has passed. However, after the filing deadline has passed, the registrars may not certify additional signatures. If some signatures are rejected as a result of an objection, the candidate would have to take the matter to court. The court may order the name to be placed on the ballot.

The following procedures may be used for nomination papers submitted before the deadline has expired. Papers submitted after that time may not be processed. If nomination papers are received after the submission deadline, enter the word *LATE* in large letters at the top so that the papers will not be processed in error. The candidate should be notified and may run as a write-in candidate if he wishes.

NOTE: Nomination papers may be processed by computer if the program permits.

a. voting lists [53:46; 54:103P; Regs. 55.02(4)(a)]

The Regulations strongly recommend that the registrars keep a record of which nomination papers each voter signs, such as by a color or initial code. [Regs. 55.02(4)(a)] Such a record may be kept as outlined below.

One or more copies of the voting lists, depending upon the number of offices and candidates for which nomination papers have been submitted, should be prepared and used for processing the signatures. If the voting list for the current year is not available, the voting list of the preceding year as amended or revised may be used. [54:103P] If the names on a supplementary list have not yet been entered on the main printed list, the supplementary list should be used along with the printed list.

Be certain that the voting list and any supplementary lists used are up to date as of the time signatures are being processed. If primary nomination papers are to be processed, it is important that the party enrollments shown on the lists have been updated. A signer must be a registered voter and for primary nomination papers, enrolled in the same political party as the candidate or unenrolled at the time the signatures are checked. (see PREPARING ELECTION MATERIALS, V. VOTING LISTS in Volume 3 of this series for information on updating lists)

In some towns, the voting list and the supplementary list(s), if any, are placed in a three ring binder. The cover is labelled to show which offices and candidates are to be checked on the enclosed lists. Each office is assigned a color code. In some towns, an initial code is used, S for selectman, P for planning board, etc. or each candidate is coded by the initial of his surname. Symbols are sometimes used for offices or candidates, such as *x*, *y*, -, *o*, etc. In any case, the code should be entered on the label next to the office or candidate to provide a record.

In most cases, nomination papers for several offices may be checked on one voting list. However, if a large number of candidates is running for a given office, or, if there is a large number of offices, it may be too confusing to mark one voting list for all offices. (see B. 9. d. marking voting list on page 169) In that case, two or more separate voting lists may be used. Note that signers' names on the nomination papers of all candidates for a given office must be marked on the same voting list. Otherwise, you will not know if a voter has signed papers of more than the permitted number of candidates.

In towns having a primary, one voting list must also be used for checking the primary nomination papers of both parties and the unenrolled town election nomination papers for the same office. An unenrolled voter may not sign the papers for both a Democratic and a Republican candidate or a primary candidate and an unenrolled candidate for the same office unless more than one person is to be elected to that office. [53:46]

If two or more voting lists are used, the code may be repeated on each voting list. For example, one voting list is used for the offices of moderator, selectmen and assessor. A second voting list is used for treasurer, tax collector and town clerk. A color code may be as follows: red for moderator and treasurer; green for selectmen and tax collector; blue for assessor and town clerk. In that case, be certain that the voting lists are clearly marked with the offices and the code for each so that the two lists do not become confused.

b. order of processing [53:7,46; Regs. 55.02(1)]

Each nomination paper shall be marked with the date and time it was submitted and such papers shall be certified (processed) in the order of submission.

If one person in the office processes all nomination papers, each paper should be processed in the order of submission regardless of the office for which the candidate is running. However, if more than one person is needed to process papers so that the work can be completed before the filing deadline, a somewhat different order may be used.

As a practical matter, the primary purpose of processing papers in the order of submission is to insure that a signature will be certified for the candidate for a given office who first submitted his paper and the same signature will be rejected on papers submitted later by another candidate for the same office, unless more than one person is to be elected to that office. This can be insured by having each of the persons processing papers work on a different office, being certain to process each paper of each candidate for that office in the order submitted.

For example, employee #1 processes candidates' papers in the order submitted for the office of selectman while employee #2 processes candidates' papers in the order submitted for the office of treasurer. This procedure will require two voting lists to be used at the same time.

Note, however, that if candidate #1 submitted one paper on March 4th, for example, and a second paper on March 9th and candidate #2 for the same office submitted all of his papers on March 5th, candidate #2 should have his papers processed after the paper submitted on March 4th but before the paper submitted on March 9th by candidate #1.

c. comparing signatures and addresses [43A:6; 53:7,46,61; Regs. 55.02(3)]

After preparing the voting list(s) as outlined under B. 9. a. voting lists on page 166, compare each signature and address appearing on the nomination papers with the voter's name and address shown on the voting list.

NOTE: In some towns, when the signature on the nomination paper is difficult to read, a comparison is made with the signature on the affidavit of registration itself to determine which voter signed the paper. However, such a comparison should not be made to determine whether or not a signature has been forged.

If primary nomination papers are being examined, the political party appearing on the paper should also be compared with the signer's party enrollment appearing on the voting list since a signature may be certified only if the voter is not enrolled in a different political party. [53:46]

NOTE: If the nomination papers for a political party caucus are submitted to the registrars, check the party caucus rules to determine whether or not party must be considered.

If the candidate whose papers are being examined is running for a district or precinct office, only the district or precinct voting list should be used, not the voting list for the entire town since voters who are registered in other districts or precincts are not entitled to sign the nomination papers. [43A:6; 53:7,61]

In some towns, the comparison is made in the same order as the signatures appear on the nomination paper although this is not required by the General Laws. If the signatures of several persons living on the same street appear fairly close together but not in consecutive order, all these signatures may be compared before checking the list at another street. Doing so may speed up the comparison process.

If the signer's name cannot be found on the voting list, the affidavits of registration received but not yet processed should be checked. The registrars must consult their records of recent voter registration since the closing date of the voting list and supplements, if any, being used for certification. [Regs. 55.02(3)]

d. marking voting list [Regs. 55.02(4)(a)] (see B. 10. Guidelines for Signature Certification on pages 174-179) (see sample marked voting list on page 290)

The Regulations strongly recommend that the registrars keep records of which nomination papers each voter signs, such as by a color or initial code.

For each signature found to be certifiable, a mark should be made opposite the name printed on the voting or supplementary list, except as outline below under NOTE:. In some towns, a mark similar to that used for marking the voting list on election day is used. If a color code is used, be certain that the name is marked using the appropriate color.

In other towns, the voting list is marked with an initial code for each office or the initial of the candidate's surname or, if more than one candidate has the same surname initial, with the initials of his given and surname or a symbol code. The initials or symbols may be marked in color.

If a signer's name does not appear on the voting list because he has recently registered, his name and the appropriate mark may be written in on the list to provide a record of this signer.

NOTE: No mark should be made on the voting list, if the signature must be rejected. In addition no mark should be made on the voting list, whether or not the signature is certifiable, if one of the following applies:

- a mark has already been made on the voting list opposite that voter's name for the same candidate.
- a mark has already been made on the voting list opposite that voter's name for another candidate for the same office if one person is to be elected, or two marks have already been made on the voting list opposite that voter's name for the same office if two persons are to be elected.

In some towns, the registrars formally adopt guidelines to be used by employees who process nomination papers. When a signature does not fall within the guidelines, the employees call it to the attention of the town clerk and, if necessary, the registrars make a determination. The registrars' guidelines must comply with the standards appearing in Regs 55:03. (see B. 10. Guidelines for Signature Certification on page 174)

In other towns, formal guidelines are not adopted but employees are given verbal instructions. Some boards of registrars process nomination papers themselves.

e. marking nomination paper [53:7,46,61; Regs. 55.02(2),(10), 55.03(1)]

After each signature has been compared with the voting list, a mark must be made on the nomination paper. The mark should be entered in the column at the left side of Form E-228 or E-229 entitled CHECK opposite the signature which was compared.

The marks made on the nomination paper must be in ink or colored pencil, preferably red ink. [Regs. 55.02(10)] In some towns, the mark is made in the appropriate coded color for the office or candidate. In other towns, the mark is made in red ink or the check mark is made using black ink and the rejection code initial is made in red.

For each certifiable signature, a check mark should be made.

As a result of the McCarthy case, 1977:927 amended 53:7 to require that the registrars place next to each name not certified, a symbol designated by the state secretary to indicate the reason the name was disqualified. The Regulations also require that symbols be used to indicate names not certified. [Regs. 55.02(2), 55.03(1)] The use of such symbols provides a record that the registrars have fully performed their function with respect to processing signatures. Should the registrars' determination be taken to court, their failure to indicate the reason for rejection of a signature on a nomination paper may be evidence on which a judge may base a finding that the signature was certifiable. (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

For each rejected signature, the following symbols should be entered on the nomination paper.

N - no such registered voter at the address entered on the nomination paper. [Regs. 55.03(1)(a)]

S - unable to identify signature or address as that of a voter because of form of signature or address, or illegible. [Regs. 55.03(1)(b),(c)]

T - signed too many papers for that office, or signed more than once for the same candidate. [Regs. 55.03(1)(f),(g)]

W - wrong district or precinct. To be used only if the candidate is running for a district or precinct office. [Regs. 55.03(1)(e)]

D or R - enrolled in the other political party, if a primary nomination paper. If a political party caucus nomination paper, check the party caucus rules to determine whether party must be considered in certifying signatures. [Regs. 55.03(1)(d)]

NOTE: The regulations also contain the symbol *E* to be used on primary recount petitions if the signer is not enrolled in the proper party. [Regs. 55.03(1)(d)] This symbol is not used on town nomination papers.

If the person processing the signatures and addresses is in doubt whether a signature should be certified or rejected, he should consult with the town clerk. If there is still doubt, leave the column entitled CHECK blank until the remaining signatures submitted have been processed. If the candidate has the required number of certifiable signatures as outlined below under f. number of signatures processed, no action needs to be taken on the doubtful signature. If, however, the candidate has fewer certifiable signatures, the registrars should examine the doubtful signature and determine, by board vote, whether it is to be certified or rejected.

f. number of signatures processed [53:7,61; Regs. 55.02(8)]

The person processing signatures should continue working on a candidate's papers until he has checked as certifiable the number of signatures required for nomination plus an additional specified number depending upon whether the nomination papers are for a town election, a preliminary election or a primary or until all signatures submitted have been processed, whichever is the lesser number.

(1) town election [53:7; Regs. 55.02(8)]

The registrars shall certify the number of names required to make a nomination plus two-fifths. For example, if 50 signatures are required for nomination, processing may be discontinued when 70 signatures have been checked as certifiable on a given candidate's papers, or when all signatures have been processed if less than 70 can be certified.

(2) town primary [53:61; Regs. 55.02(8)]

The registrars need not certify a greater number of names than are required to make a nomination, increased by one-fifth thereof.

On town primary nomination papers, 5 signatures are required and the registrars need not certify more than 6 signatures on a given candidate's nomination papers. It is suggested that the registrars certify more than 6, if a sufficient number of signatures have been submitted, in case some signatures must be rejected during a hearing on an objection. The registrars may not certify additional signatures at a hearing even if some were found to be certifiable. The candidate would have to obtain a court order to have his name printed on the ballot.

(3) town preliminary [Regs. 55.02(8)]

The regulations provide that the registrars need not certify more than one-fifth more than the total number of signatures necessary for nomination, unless the town's special act provides otherwise.

NOTE: If political party caucus nomination papers are submitted to the registrars, the number of signatures to be certified is not specified in the General Laws. It is suggested that more than the number required for nomination be certified if possible. The number of signatures to be certified on nomination papers of candidates for district office is the same as for town election nomination papers, the number required for nomination plus 2/5ths, unless the special act establishing the district provides otherwise. [53:7; Regs. 55.02(8)]

g. unused signature spaces [Regs. 55.02(5)

If the unused signature spaces were not crossed out on each nomination paper at the time of submission, they should be crossed out after the signatures have been processed. Make a large X in ink over all unused signature lines. This procedure will prevent any signatures being added to the nomination papers. (see B. 8. d. unused signature spaces on page 162)

h. registrars' certificates

The registrars' certificates appear at the bottom on the back of form E-228 and E-229. One is the certificate of candidate's registration required to be filed with the nomination papers and the other is the certificate stating the number of qualified voters who have signed the nomination paper.

Both certificates should be completed and signed using ink, not pencil.

At least three registrars, one of whom may be the town clerk, must sign the certificates. The registrars signature stamp may be used. [Regs. 55.02(7) The Elections Division advises that the registrars formally vote to authorize the town clerk or an appropriate employee to use the signature stamp to avoid questions being raised about the validity of the certificates. (see *The Public Recorder*, August 1988) (see also Op. Atty. Gen. Sept. 30, 1975, p. 108)

The registrars do not need to sign the certificates immediately after the signatures have been processed. They may wait until after all the nomination papers have been processed. However, these certificates must be signed before the deadline for filing papers with the town clerk.

NOTE: If nomination papers must be filed elsewhere than in the town clerk's office, the certificates must be signed early enough to permit the candidate to file his papers before that deadline.

(1) certificate of candidate's registration [53:6,9,48] (see also, B. 11. Filing Nomination Papers, d. check papers on page 185)

Any candidate not required by 53:48 to file a certificate of party enrollment shall, on or before the last day provided by law for filing nomination papers, file a certificate from the registrars of voters of the city or town wherein such candidate is a registered voter, certifying that such candidate is a registered voter of such city or town. If the certificate of registration does not appear on the nomination paper, the registrars must issue a separate certificate upon request of any candidate or of his authorized representative. [53:9]

NOTE: 53:48 requires a certificate of party enrollment only for candidates in a state primary and this certificate is printed on the nomination paper forms.

In towns having primaries, a certificate of party enrollment is not required to be prepared or issued for candidates running in the primary. However, a certificate of registration is required by 53:9. In addition, a certificate of registration of an unenrolled candidate running only in the general election is required and must include the statement that he has not been enrolled in a political party during the 90 days prior to the deadline for filing nomination papers. [53:6,48]

The certificate of candidate's registration needs to be completed and signed by the registrars on only one nomination paper even if more than one has been submitted. Enter the date at the top of the certificate and the name of the town at the bottom under Registrars of Voters of ....

(2) certification of signatures [53:7,61; Regs. 55.02(6)]

The certification of signatures must be completed and signed on each nomination paper containing processed names, whether or not it contains any certified signatures. The number of signatures certified on the two or more papers submitted may not be added together and entered in one certificate. However, if there were a sufficient number of certified signatures on two papers so that a third paper was not processed, the certificate on the unprocessed paper should be left blank. Keep all processed and unprocessed papers submitted by a given candidate together.

To complete the certificate, enter the date on the first line, left side of the certificate. Enter, in words with the numerals in parentheses, the number of certified names checked on the paper. For example, enter twenty-five (25). Enter the name of the town on the last line. If a processed paper contained no certified signatures, enter zero (0).

i. record of certified signatures [Regs. 55.02(4)(c)]

The Regulations strongly recommend that the registrars keep records of the total number of names they certify on each candidate's nomination papers. Such a record may be kept on the copy of the receipt on file or on the candidate's record sheet or card. (see B. 8. g. recording candidate's papers on page 163) Enter zero for an unprocessed paper and for a paper on which there were no certified signatures.

10. Guidelines for Signature Certification [53:7, last paragraph; Regs. 55.03]

Prior to 1971, a voter was required by 53:7 to sign his name on a nomination paper as registered. At that time, any deviation from the name as it appeared on the registration records was cause for rejecting the signature. However, 1971:512 amended 53:7 permitting a voter to sign his name *substantially as registered.* A voter who inserted or omitted his middle name or initial in his signature had to be considered as having signed *substantially as registered.* This provision still appears in 53:7.

Further changes in the law relative to signature certification resulted from the McCarthy case. (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667) 1977:927 inserted the following sentence which currently appears in 53:7 and provides additional legislative directions concerning signature certification:

> *If the registrars can reasonably determine from the form of the signature the identity of the duly registered voter, the name shall be deemed to have been signed substantially as registered.*

Prior to 1968, the voter was required to enter his residence on January first preceding, or at the time of registration if subsequent thereto, and the place where is he then living with street and number, if any. Failure to enter both addresses, even if they were the same, was cause for rejecting the signature. 1968:112 amended 53:7 permitting a voter to enter the word *same* in the second address column if both addresses were identical. 53:7 was again amended by 1974:200 to provide that the current address was to be entered in the second address column only if it differed from the January first address. 1976:306 again amended 53:7 with respect to voter's addresses by providing that the current address must be entered and the address on January first preceding be entered only if different. This provision is still in 53:7 and the majority of voters need enter only their current address on nomination papers.

1987:128 again amended 53:7 requiring the state secretary to promulgate regulations *...designed to achieve and maintain accuracy, uniformity and security from forgery and fraud in the procedures for certifying nomination papers...* These Regulations, 950 CMR 55.00, contain section 55.03:Standards governing signature certification.

Under current law and the court rulings, the registrars should certify a signature unless they have a substantial doubt that the signer is a registered voter of the town eligible to sign the nomination paper. (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

The following specific guidelines are based upon 53:7, the Regulations and the court cases related to signature certification. Note that the provisions of 53:7 apply in all cases where any statute, special act, or home rule charter requires the certification of a voter's signature by boards of registrars.

a. signatures

(1) certify

Signatures should be certified under the following circumstances, unless the signature must be rejected for a reason other than its form:

- the signature is in exactly the same form as the name appears on the voting list. [53:7]
- a middle name or initial has been inserted or omitted. For example, John C. Jones has signed as John Charles Jones; or John R. Jones has signed as John Jones. 53:7 and Regs. 55.03(3)(a) specify that a signature in this form is *substantially as registered.*
- one or two initials are used with a surname. For example, John C. Jones has signed as J.C. Jones [Regs. 55:03(3)(c)] John C. Jones has signed as J. Jones Regs. 55:03(3)(d)] In either case the name should be certified only if there is no other registered voter at the same address with the same surname and initials. (also see Hilsinger et al v. State Ballot Law Commission, Nos. 39934 & 39958 (Mass. Super., Suffolk, April 29, 1980))
- a middle name is used with a surname. For example, B. Alice Jones has signed as Alice Jones.
- a common or known nickname is used. For example, Sarah J. Smith has signed as Sally Smith; Patrick R. Brown has signed as Pat R. Brown; Josephine Jones has signed as Joedy Jones. [Regs. 55.03(3)(b)] (also see McCarthy v. Secretary of Commonwealth; (1977) 359 N.E.2d 291; 371 Mass. 667 and Hilsinger et al v. State Ballot Law Commission, Nos. 39934 & 39958 (Mass. Super., Suffolk, April 29, 1980)) A nickname not commonly used may be certified provided the person is usually and widely known by that nickname. For example, the local used car dealer has a place of business on Main Street with a large sign in front of his business containing the words "Tiger Smith's Reliable Used Cars," he is known all over town as Tiger Smith and is always referred to as Tiger Smith by the news media and others. His name appears on

the voting list as Beucephalus R. Smith. The signature Tiger Smith on a nomination paper could be certified.

- a suffix, such as Jr., Sr., II, III has been inserted or omitted, if no other registered voter with that name lives at that address. [Regs. 55.03(3)(e)] (see Hilsinger v. State Ballot Law Commission, Nos. 39934 & 39958 (Mass. Super., Suffolk, April 29, 1980)]

- a title, such as Mr., Miss, Ms., Dr., Prof., Atty. has been inserted. A title is surplus information which does not affect the signature. The title Mrs. may be inserted provided the voter signs her own name and not her husband's. For example, Mrs. Mary Jane Smith could be certified, but not Mrs. Charles S. Smith.

- any other form of the voter's name which permits the registrars to reasonably determine his identity as a duly registered voter. [53:7; Regs. 55.03(3)]

(2) do not certify

Signatures should not be certified under the following circumstances:

NOTE: The code letter required by 53:7 to be entered on nomination papers opposite signatures not certified is indicated in parentheses under each item below. (see B. 9. e. marking nomination paper on page 170)

- the first name is different from the first name on the voting list. For example, John Smith appears on the voting list but the signature is James Smith. (S) [Regs. 55.03(1)(b), (4)(a)] (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667]

- the initial or initials are different from those on the voting list. For example, John R. Smith appears on the voting list but the signature is W. R. Smith, John C. Smith or J. C. Smith. (S) [Regs. 55.03(1)(b)]

- the voter cannot be identified by the form of signature. For example, the signature is J. Smith but there are two voters listed at the same address, John R. Smith and James C. Smith. (S) [Regs. 55:03(1)(b),(3)(d)]

- the signature is not that of a registered voter at the address entered or there is no such registered voter at the address entered. (N) [Regs. 55.03(1)(a)] Note that unless you are certain that the names of all newly registered voters have been entered on the voting list or supplementary lists being used to process nomination papers, check the affidavits of registration which have not yet been processed. [Regs. 55.02(3)] If the voter's affidavit is found, his signature should be certified if in an acceptable form. The signer must be a registered voter at the time of certification. There is no requirement that he register earlier.

NOTE: If an address is entered in Column III on the nomination paper, be certain to check the voting list at that address, if within the town. The signer may have moved but still be listed at his former address. (see B. 10. b. addresses below)

- the signature is illegible so that a comparison with the voting list cannot be made. (S) [Regs. 55.03(1)(c)] (see McCarthy v. Secretary of Commonwealth (1977) 359 N.E.2d 291; 371 Mass. 667)

  NOTE: While not required by the General Laws, some town clerks check the affidavits of registration if a signature is illegible or difficult to read. In that case, look at the voter's signature on each affidavit of registration containing the address given on the nomination paper. If you find a signature the same as that on the nomination paper, it can be certified. However, if the address is also illegible, the name will probably have to be rejected.

- the signer has already signed a nomination paper for the same candidate for the same office. (T) [Regs. 55.03(1)(f) (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

- the signer has already signed a nomination paper for another candidate for the same office, unless more than one person is to be elected. (T) [53:7; Regs. 55.03(1)(g)] (see McCarthy v. Secretary of Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

NOTE: If it appears that a signature may have been forged or fraudulently obtained it should not be rejected during processing if otherwise acceptable. [Regs. 55.03(2)(b)] Do not attempt to be a handwriting expert. However, the registrars should examine the signature and determine whether or not an objection should be filed. (see E. OBJECTIONS on page 202)

b. addresses

(1) certify

Signatures should be certified under the following circumstances with respect to the addresses entered, unless rejected for some other valid reason.

- the voter's name can be found on the voting list at the current address, or at the previous address given on the nomination paper, unless the current address given is not in your town. With respect to town elections, as soon as a voter moves out of town, he is no longer a registered voter of the town. It is very unlikely that any signers on town election, primary, preliminary or caucus nomination papers will have entered a current out-of-town address.

NOTE: With respect to state primaries and elections and presidential primaries, a voter remains eligible to vote and to sign nomination papers in your town for 6 months following a move to another Massachusetts community, provided he does not register to vote in his new location. (see 51:1, last sentence)

- if street, road, avenue, place, circle, etc. in an address has been abbreviated. For example, Perkins St., Albert Rd., Forest Ave., Park Pl., or Susie Ci. are all acceptable.

- if the street name has been abbreviated, but the name can be recognized from the abbreviation. For example, No. St. For North Street, So. St. for South Street, BPR for Boston Post Road, Wms. St. for Williams Street, 2nd St. for Second Street.

- if the correct address has been entered in the first address column and the second address column contains the word *same* or no entry. [53:7] An entry needs to be made in the second address column, only if different from that entered in the first column. Entering the word *same* does not invalidate the signature.

- if ditto marks have been entered in one or both address columns, provided the marks indicate a correct address for that voter. [Regs. 55.03(3)(f)]

(2) do not certify

Signatures should not be certified under the following circumstances related to addresses even if the form of the signature is acceptable:

NOTE: The code letter required by 53:7 to be entered on nomination papers opposite signatures not certified is indicated in parentheses under each item below. (see B. 9. e. marking nomination paper on page 170)

- the house number is different, even if by only one. (S) [Regs. 55.03(4)(b)] For example, the address entered on the nomination paper is 42 Center Street. The name of the voter whose signature appeared opposite that address is listed at 41 Center Street. 53:7 requires that the voter *shall state the address...* and contains no modifying language with respect to addresses such as *substantially as registered.* (see Hilsinger et al v. State Ballot Law Commission, Nos. 39934 & 39958 (Mass. Super., Suffolk, April 29, 1980)) However, it is suggested that the voter's affidavit of registration be checked to be certain a clerical error has not been made on the voting list.

- a post office box has been entered instead of a street address. (S) [Regs. 55.03(4)(b)]

- the street name is different. (S) [Regs. 55.03(4)(c)] For example, 42 Center Street appears on the nomination paper and the name of the voter whose signature appeared opposite that address is listed at 42 East Street. In this case, however, you may, but are not required to, check the records to be sure the voter is listed at the correct address.

c. party enrollment (primary nomination papers)

The guidelines outlined above under a. signatures and b. addresses apply to primary nomination papers. In addition, party enrollment must be considered.

If the signer is enrolled in the wrong party, the signature should not be certified even if it is in an acceptable form and the address entered is correct. Code letter D or R, as applicable, should be entered on the nomination paper. [Regs. 55.03(1)(d)]

The signature should be certified only if the signer is enrolled in the same party as that appearing on the nomination paper or if he is unenrolled at the time of certification and it is otherwise certifiable.

However, be certain that the party enrollment shown on the voting list used for processing nomination papers is up to date as of the time of certification. If a signer appears to be enrolled in the wrong party, the party enrollment records may be checked to be certain the listed enrollment is correct. (see B. 4. e. voter registration records, (2) towns with primaries on page 137)

d. district or precinct

The guidelines outlined above under a. signatures, b. addresses and, if a primary nomination paper, c. party enrollment apply to nomination papers for district or precinct office, such as a selectman elected by district or a town meeting member. In addition, the signer's district or precinct must be considered.

The signature should not be certified if the signer is listed as a voter in some other district or precinct than that appearing on the candidate's nomination paper even if the signature is otherwise certifiable. Code letter W should be entered on the nomination paper. [Regs. 55.03(1)(e)]

However, the registration records may be checked to be certain that the signer is listed at the correct address. In a precinct town, check to see if the voter has filed a change of address request. (see 51:3)

11. Filing Nomination Papers

In order for a candidate to have his name printed on the ballot to be used at the town primary, preliminary or election, his nomination papers must contain not less than the number of certified signatures required for nomination (see B. 6. a. number of certified signatures required on page 150) and his papers must be filed with the town clerk. [53:9,10,48,61] In towns having an election commission, the nomination papers must be filed with that commission.

a. who must file [53:9,97,102]

Prior to 1976, 53:9 required that *every nomination paper shall be filed by a responsible person, who shall sign such paper and add to his signature his place of residence, giving street and number, if any; and the...town clerk shall require a satisfactory identification of such person.* However, 1976:86 removed this requirement and the General Laws now do not specify who must file nomination papers.

As a practical matter, processed town nomination papers do not leave the town clerk's/registrars' office and a candidate does not need to take any action to have his papers filed, unless he has not yet signed indicating his acceptance of the nomination. (see B. 8. b. checking procedures, (7) acceptance of the nomination on page 161)

The papers are automatically filed with the town clerk except as follows:

(1) insufficient certified signatures

Nomination papers containing less than the number of certified signatures required for nomination should not be filed with the town clerk. Such papers should be kept separate from others. The candidate should be notified that he has insufficient signatures as soon as that fact is known.

The candidate may examine his nomination papers and compare signatures with the voting list. If he finds a clerical error in certification before the filing deadline, the registrars should correct it on the nomination paper. However, if the candidate disagrees with the registrars' decision with respect to some signatures, he may take the matter to court for a determination. An objection may not be filed in this case.

(2) candidate decides not to run

If the candidate decides not to run after his nomination papers have been processed but before they have been filed, he may do so by requesting that the papers not be filed. In some towns, the written information provided to candidates states that the papers will be automatically filed by 5:00 P.M. on the last day for filing unless the candidate files a written, signed notice that he does not wish to have his papers filed. The candidate's signature may be notarized although this is not required.

If such a notice is received, attach it to the nomination papers and keep them separate from the filed papers. The papers may be returned to the candidate, upon request. If returned, it is suggested that you obtain a receipt signed by the candidate.

(3) political party caucus nomination papers [53:97,102]

If political party caucus nomination papers have been submitted to and processed by the registrars, the candidate or his representative must obtain them and take them to the secretary of the appropriate town committee for filing.

It is imperative that the processed nomination papers are not given to an unauthorized person. The receipt issued at the time the papers were submitted or a written authorization signed by the candidate should be presented. If the receipt or written authorization is not presented, the candidate's authorization may be obtained by telephone, or the papers may be released to the candidate himself or someone personally known to represent the candidate. The person who obtains the processed nomination papers must sign his name and address in the registrars' records. [Regs. 55.04] (see NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 11. a. who may obtain processed papers on page 236)

The candidate or his representative must then file the papers with the secretary of the appropriate town committee who must hold them sealed until the time for filing has expired. [53:97] The secretary of the town committee must subsequently deliver the nomination papers to the town clerk. [53:102] (see b. deadline for filing below)

NOTE: The processed nomination papers of a candidate for district office, such as a fire, water district, or a regional school district elected district-wide, must also be obtained from the registrars and filed with the district clerk or secretary. The procedures for releasing the papers are the same as outlined under (3) above.

b. deadline for filing [50:4; 53:10,61,103P]

The deadline for filing nomination papers is specified in the General Laws and will depend upon whether they are primary, preliminary, town election or political party caucus nomination papers.

(1) last hour for filing [50:4; 53:10,97]

50:4 requires that nomination papers be filed no later than 5:00 P.M. on the last day. However, 53:10 requires that nomination papers be filed before 5 P.M. on the last day. This difference is usually not critical with respect to town primary, preliminary or election nomination papers since there is no need for a candidate to come to the office to file his paper unless he needs to sign to indicate his acceptance. The town clerk can be certain the papers are filed before 5 P.M. to avoid any questions being raised later. However, if the candidate must sign his acceptance, he should be permitted to do so until the clock shows 5:01 P.M.

With respect to political party caucus nomination papers, since 53:97 does not specify an hour for filing papers with the town committee secretary, they must be filed no later than 5:00 P.M. in accordance with 50:4. However, 53:102 requires that the secretary of the town committee must deliver the papers to the town clerk before 5:00 P.M. on the last day for such delivery. Contact the town committee secretary to be certain he delivers the papers early enough to avoid questions being raised.

In any event, it is suggested that you check the accuracy of the office clock or time stamp on the last day for filing. (see B. 8. a. time stamp each nomination paper on page 158)

(2) last day for filing [50:4; 53:10,61,97,102; 54:103P]

For each case outlined below except for political party caucus nomination papers, Sundays and holidays should be counted in calculating the last day for filing but, if the last day falls on a Sunday or holiday, the following day must be considered the final day. [50:4]

- for town election [53:10]

  The last day for filing town election nomination papers is the 28th day preceding the day of the election.

  For example, if the town election were held on March 28, 1988, the last day for filing was February 29th. If the town election were held on March 14, 1988, the last day for filing was February 16th since the 28th day prior to the election was a holiday.

- for town primary [53:61]

  The last day for filing town primary nomination papers is the 35th day preceding the day of the primary.

For example, if the primary were held on March 28, 1988, the last day for filing was February 22nd. If the primary were held on March 21, 1988, the last day for filing was February 16th since the 35th day prior to the primary was a holiday.

The town clerk need not receive primary nomination papers for a given candidate after receiving papers containing a sufficient number of certified names to make a nomination, increased by one fifth thereof.

NOTE: In towns having primaries, the last day for filing an unenrolled candidate's nomination papers is the same as for town election nomination papers above.

- for town preliminary [53:10]

The last day for filing town preliminary nomination papers is the 28th day preceding the day of the preliminary, the same as for town election nomination papers, unless the town's charter or special act specifies a different filing deadline.

- for political party caucus [50:4; 53:97,102]

The last day for filing nomination papers with the town committee secretary is the 10th weekday preceding the day on which the caucus is to be held. [53:97] Note that the term *weekday* is used in 53:97 so that Saturdays, Sundays and holidays are not counted in calculating the last day. However, if the last day for filing falls on a Sunday or holiday, the following day shall be considered the last day. [50:4]

For example, if the caucus were held on March 14, 1988, the last day for filing nomination papers was February 29th. If the caucus were held on February 29, 1988, the last day for filing nomination papers was February 16th since the 10th weekday preceding the caucus was a holiday.

The last day for the town committee secretary to deliver the nomination papers to the town clerk is the 7th weekday preceding the day on which the caucus is to be held. [53:102]

For example, if the caucus were held on March 14, 1988, the last day for delivering the papers was March 3rd.

NOTE: The nomination papers of candidates for district office, such as a fire or water district, must be filed with the district clerk or secretary on or before the 28th day preceding the day of the district election, unless the special act establishing the district provides otherwise. [41:115] However, the nomination papers of candidates for regional school district committee member to be elected district-wide at a state election must be filed with the district clerk on or before the 11th Tuesday preceding the state election. [53:122(d); 1988:10]

c. changing last day for filing [54:103P]

Notwithstanding any provision of general or special law to the contrary, the selectmen may change the time for filing nomination papers or certificates of nomination if one of the following applies: [54:103P]

- nominations for election at a town election are made by nomination papers or by caucuses (see C. CERTIFICATES OF NOMINATION, 5. Filing Certificates of Nomination on page 192)
- the filing of nomination papers and certification of names thereon in towns that have preliminary elections is based on the day of the election.

Under the provisions of 54:103P, the selectmen may change the last day for filing town election and preliminary election nomination papers. The provisions of 54:103P also apply to changing the last day for filing town primary nomination papers. (see 53:24) The day set by the selectmen must be earlier than the day specified in the general laws or a special law applying to the town.

NOTE: 54:103P also permits the selectmen to fix the day of holding a town preliminary election or a town primary.

The primary purpose of changing the last day for filing is to provide more time for the preparation of absentee ballots. It is generally accepted that absentee ballots should be printed and available at least 3 weeks prior to the election to allow sufficient time for the ballots to be mailed and returned. However, it is sometimes difficult to do so when the last day for filing is the 28th day prior to the election, particularly if a large number of ballots is needed or if there are several precincts each requiring a different ballot.

In some towns, the selectmen have changed the last day for filing nomination papers at the request of the town clerk. If you have had difficulty in having absentee ballots available to voters early enough, you might ask the selectmen to change the filing deadline. You should send a written request to the selectmen more than 60 days prior to the date to which the last day for filing should be changed. (see sample request on page 291)

The selectmen must take action not later than the 60th day prior to the date they establish for filing papers. For example, if you wished to have the last day for filing the 35th day preceding an election held on April 11, 1988, the selectmen had to vote on or before January 7th to establish that filing deadline.

Notice of the selectmen's vote must be published in one or more local newspapers, if any, or posted in at least five places in the town. The General Laws do not specify who is to publish or post the notice and this may be done either by the selectmen or by the town clerk. It is suggested that ample publicity be given to a change in the filing deadline so that prospective candidates will be aware that they must make their decisions and take action earlier than in prior years. Publicity should include the deadline for submitting papers to the registrars. If your town has accepted 53:9A, the deadline for obtaining nomination papers should also be included. (see sample news release on page 292)

The selectmen need vote only once to change the last day for filing. The new deadline is effective each year unless the selectmen vote again to change the deadline.

d. check papers

A day or two prior to the filing deadline, all nomination papers containing a sufficient number of certified signatures should be carefully checked to be certain that the candidate has signed to indicate his acceptance. If he has not, he should be contacted as soon as possible and reminded that he must do so in order to have his papers filed. The lack of the candidate's signed acceptance invalidates the nomination papers and prevents his name from being printed on the ballot. (see B. 8. b. (7) acceptance of nomination on page 161)

In addition, check to be certain that the registrars' certificates have been completed and signed. (see B. 9. h. registrar's certificates on page 172) The validity of the papers may be questioned if the registrars' certificates are not in order when the papers are examined by the public after filing.

The following applies only to political party caucus nominationrs:

(1) secretary of party committee to check papers [53:98,102]

After the deadline for filing nomination papers with the secretary of the party committee, the secretary must open and check the papers. If any irregularity or informality appears on the paper, the secretary must notify the person who filed it. Within two weekdays after the time when the papers were opened, the person filing them or the secretary may correct them. [53:98]

NOTE: The secretary of the party committee must deliver the nomination papers to the town clerk before 5:00 P.M. not less than 7 weekdays before the day upon which the caucus is to be held. [54:102]

(2) town clerk to check papers [53:103,105]

When the papers are delivered to the town clerk, he should check each paper. If any irregularities or informalities are found, the paper must be returned to the secretary of the party committee for correction. If not corrected and filed again with the town clerk before 5:00 P.M. of the next day, the paper shall be void. [53:103]

NOTE: The ballots to be used at the caucus are prepared by the town clerk from the valid nomination papers. [53:105] Ballots for the subsequent town election are prepared by the town clerk from the certificates of nomination. (see C. CERTIFICATES OF NOMINATION on page 190)

e. arrange nomination papers

While not required by the General Laws, it is suggested that the nomination papers be arranged in the order in which the candidates' names are to appear on the ballot. If you prepare the ballot information to be submitted to the printer and proof read it directly from the nomination papers, clerical errors are less likely. (see PREPARING ELECTION MATERIALS, I. BALLOTS in Volume 3 of this series for information on preparing ballots)

f. how to file nomination papers

The General Laws do not specify procedures to be used for filing nomination papers. In some towns, the town clerk enters on the papers the date and hour of filing. In other towns, no such entry is made.

Nomination papers may be arranged in any convenient order permitting you to find a particular nomination paper or set of papers quickly upon request; in order by office title or alphabetical by candidate's surname, for example. In some towns, the papers are placed in a labeled manila envelope before being filed.

Valid nomination papers should be filed separately from others to insure that the name of a candidate, who either did not wish to have his papers filed or who did not obtain sufficient certified signatures, does not inadvertently appear on the ballot.

g. penalty [56:11]

The penalty on whoever files a nomination paper knowing the same to be falsely made or altered is a fine of not more than $1,000.00 or imprisonment for not more than one year.

h. public records [4:7(26); 53:16; 56:11; Chapter 66; Public Records Access Regulations 950 CMR 32.00] (see B. 8. i. public records on page 164.)

Usually requests for inspection and copies are made by candidates or their representatives. A candidate may ask to examine his own papers so that he can determine which signatures have been certified. A candidate or his representative may ask to examine another candidate's papers to determine whether or not to file an objection. (see E. OBJECTIONS on page 202)

The inspection should be permitted and/or a copy provided as soon as possible after a request is received. If an objection is to be made, it must be filed within two working days of the last day for filing nomination papers. (see 55B:7; 1985:624; 1988:296) This provides little time for the examination, which may involve a candidate's or his attorney's comparing signatures with the voting list to determine whether or not an objection should be filed.

Note that nomination papers retained in the office but not filed because the candidate did not wish to have them filed or because they contained insufficient signatures are also public records.

i. retention period [53:16, state retention schedule #2.33]

Nomination papers must be kept by the town clerk in his office for one year after filing. [53:16; state retention schedule #2.33] It is suggested that the papers be securely kept during the year in a fireproof file, in the office safe or in the vault.

After the retention period has expired, the papers may be disposed of without permission from the state supervisor of public records since the item is starred in the retention schedule. In many towns, the nomination papers filed the previous year are disposed of at the time the current year's papers are filed.

12. Withdrawal from Nomination [53:11,13,25,101; 55B:7]

a. town primary, preliminary or election [53:11,13,25; 55B:7]

A candidate may withdraw his name from nomination if he decides not to run for nomination or election after his valid town primary, preliminary or election nomination papers have been filed with the town clerk.

The following procedures should be used:

(1) file with town clerk [53:13]

The candidate must file a written withdrawal request with the *same officer with whom his nomination papers were filed;* that is, with the town clerk or, in towns having an election commission, with that commission. The request must be signed and acknowledged by the candidate before a notary public. [53:13] Some town clerks have prepared a form for the use of candidates who wish to withdraw. (see sample withdrawal form on page 293)

The candidate is not required by 53:13 to appear in person at the town clerk's office to complete and sign his withdrawal request although he may do so if a notary is present in the office. He may also complete and sign his request before a notary elsewhere and mail it or have someone deliver it to the office. However, if he decides to withdraw on or after the deadline for filing nomination papers, there will probably not be enough time to mail the withdrawal. (see (2) deadline for filing withdrawal below)

NOTE: Candidates for district office, such as fire, water or regional school district elected district-wide, must file a withdrawal request with the district clerk.

(2) deadline for filing withdrawal [53:11,13,25; 55B:7]

For town preliminary or town election candidates, the withdrawal request must be received by the town clerk within two working days, excluding Saturday or Sunday, of the last day fixed for filing nomination papers, unless the town charter provides otherwise. For example, if the last day for filing nomination papers were March 7, 1988, the withdrawal request must be filed not later than March 9th.

NOTE: 53:13 provides that the withdrawal must be filed within the time prescribed by 53:11. 53:11 refers to Chapter 55B, section 7 of which specifies the time within which the withdrawal must be filed.

For town primary candidates, the withdrawal request must be filed within 48 hours, including Saturday or Sunday, of the deadline for filing nomination papers. [53:25]

(3) receiving the withdrawal request

Upon receipt of a withdrawal request, time stamp it or note the date and hour of receipt on it. Attach it to the candidate's nomination papers and file them separately from other nomination papers. Be certain that the name of the withdrawn candidate does not appear on the ballot.

NOTE: If you have already sent the ballot information to the printer, be certain to notify him that the name and other information concerning the withdrawn candidate must be deleted.

(4) withdrawal request not to be received after filing deadline [53:13]

No withdrawal request shall be received by the town clerk after the filing deadline has expired. If a candidate decides to withdraw but does not file his request in time, his name must be placed on the ballot in spite of his decision.

NOTE: A person nominated at a town preliminary election may withdraw his name from nomination by filing a signed and acknowledged request with the town clerk within 6 days succeeding 5:00 P.M. of the day of the preliminary, unless otherwise provided in the town charter. [53:13] A person nominated at a town primary may withdraw his name from nomination by filing a signed and acknowledged request with the town clerk within 6 days succeeding 5:00 P.M. of the day of the primary. [53:53A,55; 55B:5] In either case, the withdrawal must be signed before a notary.

b. political party caucus [53:101]

A candidate, who decides not to run for caucus nominee after his nomination papers have been filed with the town committee secretary, may withdraw his name from nomination.

(1) file withdrawal request with town committee secretary

The candidate must file a written withdrawal request with the town committee secretary. The request must be signed by the candidate in person but does not need to be acknowledged before a notary public.

(2) deadline for filing

The request must be filed within 48 weekday hours succeeding 5:00 P.M. of the day fixed for opening nomination papers. For example, if the day fixed for opening nomination papers were Friday, February 26, 1988, the request must be filed by 5:00 P.M. on Tuesday, March 1st. The secretary must immediately give notice of the withdrawal and of the provisions of 53:101 to the person who filed the candidate's nomination paper.

NOTE: The secretary must open nomination papers filed with him after the time for filing has expired, 10 weekdays before the day on which the caucus is to be held. (see 53:97)

(see C. 9. Withdrawal from Nomination on page 193 for withdrawal after a certificate of nomination has been filed with town clerk following a caucus.)

c. public records [4:7(26); 53:16; Chapter 66; Public Records Access Regulations 950 CMR 32.00]

Written withdrawals from nomination, when filed, shall, under proper regulations, be open to public inspection. [55:16] (see B. 11. h. public records on page 187 for further information)

d. retention period [53:16; state retention schedule #2.32]

Written withdrawals must be retained for one year. Withdrawals may be disposed of after the retention period has expired without obtaining permission from the state supervisor of public records since item #2.32 is starred in the retention schedule. (See B. 11. i. retention period on page 187 for further information)

e. penalty [56:11]

The penalty on whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses or unlawfully signs a letter of withdrawal from nomination or files such a letter knowing the same to be falsely made or altered is a fine of not more than $1,000.00 or imprisonment for not more than one year.

C. CERTIFICATES OF NOMINATION

Certificates of nomination must be filed with the town clerk following a town caucus, whether partisan or non-partisan and whether or not official ballots are used. [53:5,8,9,10]

NOTE: Certificates of nomination are also used under certain circumstances for nominations to fill vacancies. [53:14,15] (see D. NOMINATIONS TO FILL VACANCIES on page 194)

The procedures used at caucuses for nominating candidates vary among towns depending upon the type of caucus, custom, tradition and local charter, special act or party rules and regulations. The details of these caucus procedures have not been covered in this manual. The statutory provisions related to caucuses are found in 53:71-121. (also see ELECTION RESOURCE HANDBOOK, *Local Elections* available from the Elections Division)

NOTE: A person not nominated by caucus may become a candidate in the town election by filing nomination papers using the procedure outlined under B. NOMINATION PAPERS related to town election nomination papers.

The following applies to certificates of nomination to be filed with the town clerk following a caucus.

1. Preparation

The state secretary prepares and provides two types of certificates of nomination for towns having caucuses, one for use following a political party caucus and the other for use following other caucuses.

Towns having a caucus will receive a supply of blank forms in the late fall of each year from the Elections Division. Additional forms may be obtained by calling the Elections Division at 617-727-2828 or 1-800-462-8683.

2. Format (see sample forms on pages 294-297)

The caucus certificates of nomination provided by the state secretary are about 12" X 19", white with black printing. Form E-226 is for use in towns having political party caucuses. Form E-227 is for use in towns having caucuses other than those of political parties.

3. Contents [53:5,8,45,117]

Certificates of nomination shall state the facts required by 53:8, if a nonpartisan caucus, or 53:45, if a political party caucus, for all candidates nominated by the caucus as follows: [53:5]

- name of candidate. Form E-226 contains spaces for the names of 65 candidates. Form E-227 contains spaces for the names of 67 candidates. (4th column)

- candidate's residence, with street and house number, if any. (5th column)

- the office for which he is nominated. (1st column)

- political designation or party. Space has been provided on Form E-226 in the certificate at the top for the name of the political party at whose caucus the candidates were nominated. [53:45] Space has been provided on Form E-227 in the certificate at the top in which the designation may be entered. However, this space on Form E-227 is usually not needed or used. [53:8]

- provisions, if any, for filling vacancies caused by death, withdrawal or ineligibility of candidates. [53:8] Spaces are provided on the back of the forms for entering the provisions if such provisions were made by the caucus.

In addition, spaces are provided on both Form E-226 and E-227 for the following information:

- candidate for re-election. Candidate for re-election may be added to the name of an elected incumbent. [53:8] (2nd column) (see B. 4. f. - candidate for re-election on page 142 for information on who is entitled to this designation)

- term of office. (3rd column) This item is not specifically required by the General Laws, but is necessary particularly when a vacancy is to be filled since the town clerk must be able to determine whether the candidate has been nominated for the full term or for the unexpired term.

- candidate's signature indicating acceptance of nomination. [53:5] (6th column) Space has been provided on the certificate of nomination for the convenience of candidates. 53:5 requires written acceptance to be filed with the certificate.

- sworn statement of presiding officer and secretary of caucus. [53:5] The statement containing spaces for the name of the town, the location and the date of the caucus appear at the top of the certificate. Spaces for the signatures of the presiding officer and secretary and their addresses appear on the back of the certificate.

NOTE: Form E-227 contains the additional statement that at least 25 qualified voters of the town participated and voted in the caucus as required by 53:117 for caucuses other than those of political parties.

- notarial certificate. The notarial certificate is printed on the certification of nomination form since the presiding officer and secretary of the caucus must swear to the truth of the statements contained in the certificate. [53:5]

- date and time of filing; town clerk's signature. Spaces have been provided at the bottom on the back of the certificate for the town clerk to enter the date and time of filing and his signature.

4. Providing Certificate of Nomination Forms

The town clerk provides the blank certificate of nomination forms. For a political party caucus, Form E-226 should be given to the secretary of the town committee holding the caucus. For a non-partisan caucus, Form E-227 should be given to the secretary of the caucus.

It is the responsibility of the presiding officer and secretary, sometimes called *clerk*, of the caucus to enter all the required information on the blank forms and to sign and swear before a notary public to the truth of the information entered.

5. Filing Certificate of Nomination [53:5,10]

The completed, signed and notarized certificate of nomination must be filed by the secretary of the caucus with the town clerk. The deadline for filing is not later than 72 hours, including Saturday and Sunday, succeeding 5:00 P.M. of the day upon which the caucus was held. [53:5] For example, if the caucus were held on February 22, 1988, the certificate of nomination must be filed with the town clerk not later than 5:00 P.M. on February 25th. If the caucus were held on a Friday, the certificate must be filed by 5:00 P.M. on the following Monday.

The certificate must also be filed on or before the 28th day preceding the date of the town election, the same deadline as that for filing nomination papers for a town election. [53:10]

In many towns, the town clerk calls the caucus clerk or secretary to remind him of the filing deadline if the certificate of nomination has not been received by about noon on the last day for filing.

NOTE: The last day for filing certificates of nomination may be changed from the 28th day preceding the date of the election to an earlier day by vote of the selectmen under 54:103P. (see B. 11. c. changing last day for filing on page 184)

6. Receiving Certificate of Nomination

Upon receipt, the town clerk should time stamp it or enter the date and hour of receipt in the spaces provided at the bottom on the back of the certificate. He should sign his name.

Check the certificate to be certain that an entry has been made on each of the lines provided except that all the spaces provided for candidates' names will not be used and an entry outlining the provisions for filling vacancies is required only if the caucus made such provisions. Be certain that both the presiding officer and the secretary of the caucus have signed the certificate and entered their addresses and that the certificate has been notarized.

Also check to be certain that each candidate listed has signed in the column entitled *I accept the nomination*. If a candidate has neglected to sign his acceptance and does not do so before the filing deadline has expired, his nomination is void and his name may not appear on the ballot. If the candidate cannot appear at the office before the deadline, he may have someone bring in his written, signed acceptance or send a telegram. The acceptance should be attached to the certificate of nomination.

Note that every office to appear on the ballot may not appear on the certificate of nomination if no candidate has been nominated for a particular office. However, if an office is missing, or if no candidate's name has been entered opposite an office, check with the secretary of the caucus to be certain it has not been omitted in error.

53:9 requires that a certificate of registration be filed by each candidate not required to file a party enrollment certificate under 53:48. However, in many towns, the town clerk simply checks the registration records to be certain that each candidate listed on the certificate of nomination is a registered voter in the town and a formal certificate of registration is not prepared.

7. Certificates of Nomination are Public Records [4:7(26); 53:16; Chapter 66; Public Records Access Regulations 950 CMR 32.00]

Certificates of nomination, when filed, shall, under proper regulations, be open to public inspection. (see B. 11. h. public records on page 187 for further information)

8. Retention Period [53:16, state retention schedule #2.30]

The retention period for certificates of nomination is one year, the same as for nomination papers. The certificates of nomination may be disposed of after the retention period has expired without obtaining permission from the state supervisor of public records since item #2.30 is starred in the retention schedule. (See B. 11. i. retention period on page 187 for further information)

9. Withdrawal from Nomination [53:11,13; 55B:7]

A candidate whose name appears on a certificate of nomination filed with the town clerk may withdraw his name from nomination. The procedures for withdrawing are the same as for town election candidates outlined under B. 12. Withdrawal from Nomination a. (1) through (4) on pages 187-188.

10. Penalty [56:11]

The penalty on whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses or unlawfully signs a certificate of nomination or who files any such certificate knowing the same to be falsely made or altered is a fine of not more than $1,000.00 or imprisonment for not more than one year.

D. NOMINATIONS TO FILL VACANCIES

The following outlines provisions appearing in the General Laws for filling vacancies. Your town's charter or special act may have additional or different provisions and should be consulted for procedures. In addition, if permitted by the General Laws, an elective town office may be created by town bylaw and in that case, the bylaw may specify procedures for filling vacancies.

1. General Election Only

a. vacancy caused by death or disability [53:14]

In towns where candidates are nominated by nomination papers, 53:14 permits the papers to contain the names of members of a committee of not more than five registered voters who may fill a vacancy. The vacancy may be filled only if the nominated candidate dies or becomes physically disabled and the committee members' names have been entered on the nomination paper.

This provision of the General Laws has not been used with respect to town elections and the town election nomination paper form shown in the sample on pages 275 and 276 does not contain spaces for the committee members' names. However, updated town election nomination papers will contain such spaces and the provision may be used in the future.

The procedures for filling such vacancies are as follows:

One of the committee members designated as the chairman should call a meeting for the purpose of making the nomination to fill the vacancy. The meeting should be held as soon as possible after the candidate's death or disability. A quorum must be present and a formal vote taken. Following that vote, a certificate of nomination must be prepared by the committee secretary, signed by the chairman and secretary, and filed with the town clerk. [53:5]

The state secretary does not provide a form for the certificate of nomination to fill a vacancy. A form may be prepared by the committee or the certificate may be in letter form provided it contains the required information. (see sample certificate on page 298)

(1) contents of certificate of nomination [53:15]

The certificate must contain the following information:

- the name of the original nominee
- the fact of his death or physical disability
- the procedures used for filing the vacancy. In this case, it is suggested that the statement entered give the information related to the call, the date and place of the meeting, that a quorum was present and a vote taken which resulted in the nomination of the new candidate whose name is entered on the certificate.
- the signatures of the chairman and secretary of the committee. The certificate must be signed under oath that the statements contained are true. The certificate may be notarized or signed under the penalties of perjury. (see 4:4(6) and 268:1A)

The certificate should also contain the information for the new candidate required or permitted by 53:8 as follows:

- the name and address of the candidate nominated to fill the vacancy
- the office and term of office
- the district or precinct number or name, if any
- if applicable, that the candidate is a candidate for re-election

In addition, the certificate of nomination must be accompanied by the written acceptance of the new candidate. [53:15] 53:9 technically requires a certificate of registration. However, the town clerk may simply check the registration records to be certain that the new candidate is a registered voter.

(2) filing deadline [53:5; 54:47]

The secretary of the 5-member committee should file the certificate of nomination within 72 hours succeeding 5 P.M. of the day upon which the meeting was held. [53:5]

NOTE: The wording of 53:5 does not specifically apply to filling vacancies by committee vote. However, no other section of the General Laws specifies a deadline for filing a certificate of nomination after the death or ineligibility of a candidate and 53:5 may be followed to avoid allegations being made that the certificate of nomination was not timely filed.

The name of the new candidate nominated shall be placed on the ballot if the ballots have not been printed. If the ballots have been printed, ballots containing the new name shall, when practical, be substituted. [54:47]

If, however, the candidate dies after the ballot has been printed and there is insufficient time to have new ballots printed, his name will appear on the ballot but votes cast for a deceased candidate cannot be considered valid. (see Madden v. Board of Election Commissioners, (1925) 146 N.E.2d 280; 251 Mass. 95)

b. vacancy caused by withdrawal or ineligibility

There is no provision in the General Laws for filling a vacancy caused by the withdrawal or ineligibility of a candidate for office in a town having a general election only.

If a candidate files a timely withdrawal request, or if he is found ineligible after an objection to his nomination papers has been heard, his name does not appear on the ballot and no other candidate is substituted.

NOTE: For vacancies occurring after the election due to a failure to elect, refusal of an elected person to accept an office, resignation or death, see 41:10,11,14,40,49,81A and ELECTION RESOURCE HANDBOOK, *Vacancies in Elective Office.*

2. Preliminary Elections

a. vacancy occurs before preliminary [53:14]

The provisions of the General Laws related to filling a vacancy before a preliminary are the same as outlined above under D. 1. General Election Only. Different or additional provisions for filling vacancies may appear in the town's charter or special act.

b. vacancy occurs after preliminary [53:13; 1985:477]

A person nominated at a town preliminary may withdraw his name from nomination by filing a signed and acknowledged request with the town clerk within 6 days following 5 P.M. of the day of the preliminary. Unless otherwise provided in the town charter, the nominee must be replaced with the candidate having the next highest number of votes at least equal to the number of certified signatures required by law to place his name on the preliminary election ballot. The new nominee is not required to take any action to have his name printed on the ballot for the town election. A certificate of nomination to fill the vacancy is not filed.

If the candidate receiving the next highest number of votes did not receive a sufficient number, the vacancy is not filled. Note that 53:13 relates only to the withdrawal of a candidate. The vacancy may not be filled if a candidate dies or is found ineligible.

3. Primaries

a. vacancy occurs before primary [53:62]

If a person nominated as a candidate for a town primary dies or withdraws his name from nomination or is found ineligible and there is no other candidate for the party nomination for the office, the vacancy may be filled by vote of the town committee. Note that the vacancy may not be filled if there is another candidate for the party nomination for the same office. [53:62]

The chairman of the town committee should call a committee meeting for the purpose of making the nomination to fill the vacancy. A quorum must be present and a formal vote taken. Following that vote, a certificate of nomination must be prepared by the committee secretary, signed by the chairman and secretary, and filed with the town clerk. [53:62]

The state secretary does not provide a form for the certificate of nomination to fill a vacancy. A form may be prepared by the town committee or the certificate may be in letter form provided it contains the required information. (see sample certificate on page 298)

(1) contents of certificate of nomination [53:15]

The certificate must contain the information as outlined under D. 1. a. (1) contents of certificate of nomination on page 195, except as follows:

- the vacancy may have been caused by withdrawal or ineligibility and if so, that fact should be included

- the information for the new candidate is required or permitted by 53:45 instead of 53:8. However, the information is the same, except that the name of the political party whose nomination is sought must be included and, if applicable, that the candidate is a candidate for renomination, instead of re-election, may be included

NOTE: The 8 word statement of public offices held is not permitted to be printed on the ballot for a candidate filling a vacancy. [53:34] (see B. 3. b. town primaries on page 129)

(2) filing deadline [53:5,62; 54:47]

If the vacancy is caused by the withdrawal of a candidate, the certificate of nomination must be filed with the town clerk within 24 weekday hours of the final hour for filing withdrawals. [53:62] Withdrawals must be filed within 48 hours of the of the last day fixed for filing nomination papers. (see B. 12. a. (1) file with town clerk and (2) deadline for withdrawal on pages 187 and 188)

For example, if the deadline for filing nomination papers were 5:00 P.M. on March 21, 1988, the deadline for filing withdrawals was 5:00 P.M. on March 23rd and the deadline for filing the certificate of nomination was 5:00 P.M. on March 24th. Note that the term *weekday hours* is used in 53:62 so that if the deadline for filing withdrawals were on a Friday, the deadline for filing the certificate of nomination would be on the following Monday since Saturday and Sunday could not be counted.

However, the vacancy should not be filled and the certificate of nomination may not be filed before the withdrawal has been filed since the vacancy does not exist until that time.

If the vacancy is caused by the death or ineligibility of the candidate, the secretary of the town committee should file the certificate of nomination within 72 hours succeeding 5 P.M. of the day on which the meeting was held. [53:5] The name of the new candidate nominated shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new name shall, when practical, be substituted. [54:47]

NOTE: The wording of 53:5 does not specifically apply to filling vacancies by town committee vote. However, no other section of the General Laws specifies a deadline for filing a certificate of nomination after the death or ineligibility of a candidate and 53:5 may be followed to avoid allegations being made that the certificate of nomination was not timely filed.

b. vacancy occurs after primary
[53:5,14,15,62,53A,55; 54:47; 55B:5]

A person nominated at a town primary may withdraw his name from nomination by filing a signed and acknowledged request with the town clerk within 6 days following 5:00 P.M. of the day on which the primary was held. [53:53A,55; 55B:5] In that case, the vacancy may be filled by the same political party which made the original nomination and in the same manner. [53:14]

The vacancy may be filled using the same procedures as outlined under D. 3. a. vacancy occurs before primary on page 197, except that the deadline for filing the certificate of nomination to fill a vacancy caused by withdrawal is 48 weekday hours following 5:00 P.M. of the last day for filing withdrawals. [53:14]

If there is a vacancy caused by a tie vote at the primary, it shall be filled by vote of the town committee members, but they may only choose one of the candidates who received the tie vote. [53:62] In this case, the town committee should meet and the certificate of nomination should be filed as soon as possible after the primary. There is no deadline for filing the certificate specified in the General Laws, but it must be filed in time to prepare the ballot for the town election.

4. Caucuses

a. towns having non-partisan caucuses or political party caucuses where official ballots are NOT used

A vacancy caused by the withdrawal, death or ineligibility of a candidate nominated by the caucus may be filled in the manner provided on the certificate of nomination. A new certificate of nomination must be prepared and filed with the town clerk.

(1) contents of certificate of nomination [53:15]

The certificate must contain the same information as outlined under D. 1. a. (1) contents of certificate of nomination on page 195, except that for a political party caucus, the name of the party must be entered.

However, a non-partisan caucus may have voted to have the selectmen fill any vacancies. A political party caucus may have voted to have the executive board of the party town committee, or the town committee itself, fill any vacancies.

If the selectmen fill the vacancy, the certificate should be signed by the chairman and the clerk of that board instead of the chairman and secretary of the 5-member committee. If the party town committee fills the vacancy, the certificate should be signed by the chairman and secretary of that committee.

The certificate should also contain the information for the new candidate required or permitted by 53:8, if a non-partisan caucus were held; or 53:45, if a political party caucus were held. (see C. 3. Contents on page 191)

In addition, the certificate of nomination must be accompanied by the new candidate's written acceptance. [53:15] 53:9 technically requires a certificate of registration, but the town clerk may simply check the registration records to be certain that the candidate is a registered voter of the town.

(2) filing deadline [53:14; 54:47]

If the vacancy is caused by withdrawal, the new certificate of nomination must be filed within 48 weekday hours following 5:00 P.M. of the last day for filing withdrawals. [53:14] Withdrawals must be filed within 2 working days of the last day fixed for filing certificates of nominations.

For example, if the deadline for filing the original certificate of nomination were 5:00 P.M. on March 21, 1988, the deadline for filing withdrawals was 5 P.M. on March 23th and the deadline for filing the certificate of nomination to fill the vacancy was 5:00 P.M. on March 25th. Note that the term *weekday hours* is used in 53:14 so that if the deadline for filing withdrawals were on a Thursday, the deadline for filing the certificate of nomination would be on the following Monday since Saturday and Sunday could not be counted.

If the vacancy is caused by death or ineligibility of the candidate, the new certificate of nomination must be filed within 72 hours succeeding 5 P.M. of the day on which the meeting was held. [53:5]

NOTE: The wording of 53:5 specifying the deadline for filing a certificate does not necessarily apply to filling vacancies by committee vote. However, no other section of the General Laws specifies a deadline for filing the certificate of nomination after the death or ineligibility of a candidate and 53:5 may be followed to avoid allegations being made that the certificate of nomination was not timely filed.

The name of the new candidate nominated shall, if the ballots have not been printed, be placed on them, or, if the ballots have been printed, ballots containing the new nomination shall, when practical, be substituted. [54:47]

NOTE: If no provision has been made by a non-partisan caucus for filling a vacancy, the vacancy may not be filled. However, if no provision has been made by a political party caucus, 53:14 permits the regularly elected political party town committee to fill the vacancy.

b. towns having political party caucuses with official ballots

(1) vacancy before caucus [53:101]

If a candidate withdraws his name from nomination, the secretary of the town committee must immediately notify the person who filed the candidate's nomination papers. The person who filed may be the candidate himself or a member of the town committee or some other person. The person may, but is not required to, present a new name on a nomination paper signed by himself in person. If he does not, the chairman and the secretary of the town committee may file a nomination paper to fill the vacancy. In either case, the new nomination paper must be filed with the town committee secretary.

(a) contents

The contents of the new nomination papers to fill the vacancy are the same as on the original nomination paper, except that voters' signatures are not required and the new candidate must sign his acceptance of the nomination.

(b) filing deadline [53:99,100,101; 54:47]

The new nomination paper must be filed with the town committee secretary within 24 weekday hours following 5:00 P.M. of the last day for withdrawing. The deadline for withdrawing is 48 weekday hours following 5:00 P.M. of the day fixed for opening nomination papers. [53:101] The nomination papers must be opened as soon as the deadline for filing has expired, 10 weekdays prior to the day on which the caucus is to be held. [53:97]

If nomination papers placing names in nomination for all the offices to be filled at the caucus were not filed or if there is a vacancy caused by death or ineligibility of a candidate, the chairman or secretary of the town committee must immediately call a meeting of the committee. [53:100]

The members of the committee nominate a candidate for each office for which nomination papers were not filed or for which there is a vacancy. If the members of the committee cannot agree, two sets of nomination papers may be filed. If nomination papers to fill vacancies are not filed within 2 weekdays after the deadline for opening nomination papers, the chairman and the secretary may file nomination papers for the vacancies. [53:99]

NOTE: The provisions of 53:99 and 53:100 do not apply to filling vacancies caused by withdrawal.

If a vacancy is caused by the death of a candidate after the deadline for filling vacancies has expired, the chairman of the town committee may file with the town clerk a new name to fill such vacancy. The name of the new candidate shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new nomination shall, when practical, be substituted. [54:47]

(2) vacancy after caucus

A vacancy which occurs after the caucus may be filled in the manner indicated on the original certificate of nomination. If no provisions for filling a vacancy appeared on the original certificate of nomination, the vacancy may be filled by the town committee.

A new certificate of nomination must be filed with the town clerk.

(a) contents [53:15]

The certificate must contain the same information as outlined under D. 1. a. (1) contents of certificate of nomination on page 195, except that the name of the party must be entered.

The certificate must also contain the information for the new candidate required or permitted by 53:45. (see C. 3. Contents on page 191)

In addition, the certificate of nomination must be accompanied by the candidate's written acceptance. [53:15] 53:9 technically requires a certificate of registration, but the town clerk may simply check the registration records to be certain that the new candidate is a registered voter of the town.

(b) filing deadline [53:5,14; 54:47]

If the vacancy is caused by withdrawal, the new certificate of nomination must be filed within 48 weekday hours after 5:00 P.M. of the last day for withdrawal. [53:14] Withdrawals must be filed within 2 working days after the last day for filing the original certificate of nomination. [55B:7]

If the vacancy is caused by death or ineligibility, a new certificate must be filed within 72 hours following 5:00 P.M. of the day on which the committee meeting was held. [53:5]

NOTE: The wording of 53:5 specifying the deadline for filing a certificate does not necessarily apply to filling vacancies by committee vote. However, no other section of the General Laws specifies a deadline for filing the certificate of nomination after the death or ineligibility of a candidate and 53:5 may be followed to avoid allegations being made that the certificate of nomination was not timely filed.

The name of the new candidate shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new nomination shall, when practical, be substituted. [54:47]

5. Public Records [4:7(26); 53:16; Chapter 66; Public Records Access Regulation 950 CMR 32.00]

A certificate of nomination to fill a vacancy, when filed, shall, under proper regulations, be open to public inspection. (see B. 11. h. public records on page 187 for further information)

6. Retention Period [53:16; state retention schedule #2.30]

The town clerk shall preserve certificates of nomination in his office for one year. Certificates of nomination may be disposed of after the retention period has expired without obtaining permission from the supervisor of public records since item #2.30 is starred in the retention schedule. (see B. 11. i. retention period on page 187 for further information)

7. Penalty [56:11]

The penalty on whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses or unlawfully signs a certificate of nomination or nomination paper, or files any such certificate or paper knowing the same to be falsely made or altered is a fine of not more than $1,000 or imprisonment for not more than one year.

E. OBJECTIONS

When certificates of nomination and nomination papers have been filed and are in apparent conformity with the law, they shall be valid unless written objections are made. [53:11] The procedures to be used for objections are specified in Chapter 55B of the General Laws.

An objection is a formal complaint to prevent the name of a candidate from improperly appearing on a regular or special primary, preliminary or election ballot. [53:11] Or, in towns having a political party caucus using official ballots, an objection may be made to prevent a name of a candidate from improperly appearing on the ballot to be used at the caucus. [53:104]

NOTE: An objection may be made with respect to a filed withdrawal. In this case, the objection would probably allege that the candidate's signature on the withdrawal was forged or was obtained by fraud.

An objection may be filed only when the related certificate of nomination or nomination paper is apparently valid, that is, the candidate's information appears to be correct and, with respect to nomination papers, there appears to be a sufficient number of certified signatures. If, however, the registrars did not certify a sufficient number of signatures for nomination and the candidate wished to appeal the registrar's decision, he would have to take the appeal directly to the court. (see McCarthy v. Secretary of the Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

If you receive a request for detailed information, other than that appearing in the following, recommend that the person consult a lawyer. Do not attempt to give advice. If an objection is filed with you, the registrars may obtain advice from the Elections Division or from town counsel.

NOTE: In the following, reference will be made to 55B:5 which relates specifically to objection to state certificates of nomination and state nomination papers. 55B:7 covering objections to town certificates of nomination and nomination papers does not contain certain necessary details of procedures and, by analogy, the provisions of 55B:5 may be followed. However, the board of registrars has no authority to promulgate regulations for hearings on objections, and the procedures to be used should be discussed with objectors, candidates and their legal counsel before the hearing begins.

1. Filing Objections

    a. form (see sample form on page 299)

    The form to be used for filing an objection is not specified in the General Laws. A form may be prepared by the town clerk and provided upon request, or the objector or his representative may prepare the objection.

    b. contents [55B:5]

    The objection must contain the following information:

    - the objector's name and voting address as shown upon the current annual register of voters.
    - the objector's signature unless the objection is filed by his attorney. In that case, the attorney must sign.

- each ground for objection stated in detail. The ground for objection might be one or more of the following:

- the candidate is not a registered voter of the town.

- the candidate does not have the qualifications for nomination such as, not enrolled in the political party or was not enrolled for the required period, or does not fulfill residence requirement provided in the town charter.

- the candidate is a fictitious or non-existent person.

- one or more signatures on the nomination papers were improperly certified. The specific signatures should be included in the objection, if possible. If not possible, the registrars should meet with the candidate, the objector and/or their legal counsel, a few days prior to the hearing to determine which signatures are involved. The candidate has a right to know which signatures he must defend.

- one or more signatures on the nomination papers were obtained by fraud or were forged.

- a candidate's name was added after some voters had signed in support of the nomination. (see B. 4. g. the blanket sheet, (1) - name of candidate on page 144)

NOTE: If a person believes that a candidate has been improperly nominated because of the procedures used at a caucus, he should file an objection. This will protect his rights by exhausting available administrative remedies even if the registrars determine that they have no jurisdiction. Then the objector may appeal to the court.

c. who may file an objection [55B:5]

An objection may be filed by any registered voter of the district in which the candidate was nominated. In most cases, the objector must be a voter in the town only and his district does not matter. However, to file an objection to nomination papers of a district candidate for selectman, the objector must be a registered voter of the same district. In representative town meeting towns, the objector must be a registered voter in the same precinct as a candidate for town meeting member to file an objection to his nomination papers.

In towns with primaries or political party caucuses, there is no requirement that the objector be enrolled in the same party as the candidate being challenged.

NOTE: An objection may be filed by one of the registrars. In that case, however, the registrar should not sit as a member of the board during the hearing or participate in deciding the case. (see VOTER REGISTRATION, VIII. COMPLAINTS on page 86)

d. with whom filed [53:11; 55B:7]

An objection to a certificate of nomination, nomination papers or a withdrawal from nomination shall be filed with the town clerk. In towns having an election commission, an objection should be filed with that commission. The objection may be sent by mail or hand delivered. It may be hand delivered by the objector, his attorney or by anyone the objector chooses.

An objection is not considered filed until it is received by the town clerk. Note that if an objection is not made until on or after the last day for filing a certificate of nomination or nomination papers, there may be insufficient time to mail it.

NOTE: An objection to district nomination papers should be filed with the town clerk if the district, such as a fire or water district, is composed of one town. It should be filed with the district clerk if the district is composed of more than one town. However, objections to nomination papers of candidates for regional school district committee member to be elected district-wide at state elections should be filed with the state secretary.

e. deadline for filing [50:4; 55B:7; 1988:296]

The objection must be filed within two working days of the last day fixed for filing nomination papers, except where town charters provide otherwise. [55B:7] The objection must be filed no later than 5:00 P.M. on the last day for filing it. [50:4]

For example, if the last day for filing nomination papers were March 7, 1988, the objection must have been filed on or before March 9th. Note however, that the term "working days" is used so that if the last day for filing nomination papers is on a Thursday, the objection must be filed on or before the following Monday since Saturday and Sunday cannot be counted.

2. Receiving the Objection

Upon receipt of an objection, time stamp it or note the date and time of receipt. Check the following items on the objection:

a. objector's name and address

Check the voter registration records to be certain that the objector is a registered voter in your town and, if applicable, in the same district or precinct as the candidate challenged.

NOTE: A certificate of registration for the objector is not required to be issued.

b. grounds for objection

Check to be certain that grounds for objection have been included. However, you should not make any judgments or comments as to whether or not the grounds are valid or sufficient.

c. objector's or attorney's signature

Check to be certain that the objection has been signed either by the objector himself or by his attorney.

If any of the items listed in a. b. or c. above has been omitted, call this to the attention of the person filing the objection. If time permits before the deadline for filing, he may have the omission corrected. If the objector or his attorney is filing the objection in person and has omitted information, he may add it at that time.

However, an objection should be accepted for filing even if you believe it is not in order and the appropriate corrections cannot be made. The board of registrars, not the town clerk acting alone, should determine whether or not the objection is in order.

3. Forward Objection to the Board of Registrars [55B:7]

Objections filed with the town clerk shall forthwith be transmitted to the board of registrars which acts as the local ballot law commission. Since the town clerk's and the board of registrars' office is the same in most towns, the objection is not actually transmitted. However, the registrars should be notified of its receipt immediately since they have little time in which to act on an objection. (see E. 10. Decision Deadline on page 211)

In towns having an election commission, that commission acts as the local ballot law commission.

The registrars should examine the objection. If it is not in order, they should notify the objector and state the reasons.

NOTE: The board of registrars acts as the local ballot law commission with respect to objections to district nomination papers, if the district, such as a fire or water district, is composed of one town. If the district is composed of more than one town, the district prudential committee or commissioners act as the local ballot law commission. However, objections to nomination papers of candidates for regional school district committee member to be elected district-wide at a state election would be transmitted by the state secretary to the state ballot law commission.

4. Registrars to Hold Hearing [55B:7]

If the objection is in order and has been properly filed, the registrars must hold a hearing on it. The hearing should be scheduled soon after the objection is received since their decision must be made not later than 4 days after the deadline for filing objections. (see E. 10. Decision Deadline on page 211) However, as much time as possible should be allowed between receipt and the hearing to permit the interested parties to prepare for it and to attend.

Unlike hearings with respect to recount petitions (see 54:135), the registrars are not prohibited from holding a hearing on an objection before the deadline for filing has expired. However, they may wish to do so if more than one objection is expected to be filed so that all objections can be heard on the same day.

5. Notices Required [55B:7]

When an objection is filed, the town clerk must forthwith notify the candidates affected, addressed to their residences as given in the certificate of nomination or nomination papers. If political party candidate has been challenged, notice must also be sent to the party committee interested in the nomination. It should be addressed to the committee chairman or secretary.

The *candidates affected* are all candidates running in the primary, preliminary or caucus or all candidates qualified to have their names printed on the town election ballot.

The notice must be sent by registered or certified mail, return receipt requested. It is suggested that each person also be telephoned to provide as much notice as possible before the required hearing.

The General Laws do not specify what must be included in the notice. It should include the date, time and place of the hearing, the objector's name and the grounds for objection. It is suggested that a copy of the objection be included with the notice although this is not required.

In addition, to comply with the Open Meeting Law [39:23B], notice should be posted in the town clerk's office or on the principal official town bulletin board, if any, and filed with the town clerk at least 48 hours prior to the hearing. (see MEETINGS, III. OPEN MEETING LAW in Volume 2 of this series)

NOTE: If there is not enough time before the hearing to comply with the notice requirements of the Open Meeting Law, the hearing may be considered an emergency meeting.

6. Preparing for the Hearing

The board of registrars must render a decision on any matter referred to them in the objection with respect to the certificate of nomination, the nomination papers or the withdrawal. [55B:7; 1988:296] The following steps may be taken in preparing for the hearing.

a. records search

Unless the registrars themselves processed nomination papers and certified signatures, they may review the procedures used. They may compare a challenged signature with the name on the voting list or on the voter's affidavit of registration or party enrollment card. They may find that a signature was certified in error. (see B. 10. Guidelines for Signature Certification on page 174)

Note that in towns with primaries, a primary candidate may be challenged if he has not been an enrolled member of the party during the 90 days before the deadline for submitting his papers for certification. (see 53:48) Or, an unenrolled candidate may be challenged if he were enrolled in a party during the 90 days before the deadline for filing his papers with the town clerk. (see 53:6) In either case, the date on which the candidate enrolled or unenrolled may be checked.

Dropped voter lists or copies of drop notices may be checked to determine whether or not the voter's name was properly retained on the voting list. If a dropped voter's name has been returned to the voting list, the minutes of the registrars' meeting may be checked.

Census records may also be checked. For example, a voter may have moved out of the town but his name retained on the voting list in error. Or, a voter may have moved from one precinct to another. However, in that case, unless he filed a request for change of address, he is registered and must vote from his former address until June 1st following his move and his name may have been properly certified. (see 51:3)

In any case, the registrars should not make an independent investigation such as checking the records of another town department or sending a police officer to the candidate's or a voter's address to determine whether or not he actually lives there. Such information should be brought out at the hearing through the testimony and evidence presented by the parties involved.

b. registrars may summon witnesses and require evidence [55B:7,11]

For the purpose of deciding the questions raised in the objection, witnesses may be summoned and evidence may be required. The registrars themselves may summon witnesses and require the production of evidence including books, records and papers if they believe it necessary. The summons may be signed by any member of the board. [55B:7]

If an objection, filed by a person duly nominated, alleges that an apparent nomination for the same office is a fictitious or non-existent person or that the name under which the person has been apparently nominated is not his true name, the registrars must summon the challenged candidate. [55B:11]

The registrars should also summon a witness upon request by the objector, candidates affected, interested political party committee or their counsel. It is suggested that a signed written request be obtained. Or, the registrars may delegate the authority to summon to any notary public or justice of the peace and inform those requesting a summons of such delegation.

Forms for summonses are commercially available at a stationery store which carries regular legal forms. (See sample summons on pages 122 and 123) The summons should include the documents required, if any, the time and place where the person should appear and the name and address or telephone number of the summoner so that the person summoned will know whom to contact if he has questions about the documents or testimony required or about his attendance at the hearing.

The summons should be given to a constable or deputy sheriff for service. After he has served it, he should complete the return of service and give it to the registrars or summoner, as applicable. If it was impossible to serve the summons, the constable or deputy sheriff notes that on the form before returning it. A summons must be served before the time scheduled for the hearing but it should be served as early as possible.

Witnesses summoned must be paid the same fees and are subject to the same penalties for default as witnesses in civil cases before the courts. (see 233:8) If a person summoned by the board has been paid or tendered the proper fees and fails to appear at the hearing, the chairman of the board may issue a warrant to bring the person in to testify in the case. (see 233:9) It is suggested that the registrars consult with town counsel before issuing such a warrant.

It is also suggested that the registrars obtain advice from town counsel on the proper procedures for summoning, witness fees, etc., particularly if they have not previously been involved in such a proceeding. They may also wish to have town counsel present at the hearing.

7. Objector's, Candidates' and Party Committee's Rights

The objector, affected candidates and interested political party committee, if any, are entitled to be represented by legal counsel and they may bring witnesses with them. They and their witnesses may give testimony and present evidence. They or their counsel may examine and cross-examine all witnesses.

If a person who signed a nomination papers has been challenged as illegally or incorrectly registered, he may be present, represented by counsel and bring witnesses.

8. The Hearing

A majority of the board of registrars must be present at the hearing. (see VOTER REGISTRATION, XIII. K. Registrars to Hold Hearing on page 90 and 51:20 for procedures if a majority cannot be present)

a. preliminary procedures

The preliminary procedures are the same as outlined under VOTER REGISTRATION, XIII. K. 1. preliminary procedures on page 91, except that *objector, candidate* and *political party town committee representative* should be substituted for *complainant* or *registrant*, as applicable.

b. during the hearing

The registrars should take care to avoid the appearance that they have predetermined the questions raised in the objection based solely upon their own records. If they have obtained pertinent information from those records, they should state specifically what the records are and that they are taking administrative notice of them. The records should be available for examination at the hearing and a rebuttal of the evidence they contain should be permitted. The registrars should not make a determination of the case based only upon their own records, but must consider all the evidence and testimony presented at the hearing including a rebuttal of the records.

Each counsel present should be permitted to make a presentation, present evidence, call and examine witnesses, cross-examine witnesses called by others and present arguments of law. Arguments of law would involve citing applicable sections of the General Laws and/or referring to previous court cases related to the questions and issues involved. If the objector, challenged candidate, or political party committee are not represented by counsel, each should be permitted to present his case for himself.

An oath should be administered by a registrar to each person before he presents information or testimony. [55B:7] The following oath should be used:

> *Do you solemnly swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth, so help you God?*

If more than one objection is to be heard, each case should be heard and decided separately.

The registrars may ask any questions they deem necessary directly related to the allegations made in the objections. If the objection alleged that an apparent nominee is a fictitious or nonexistent person or that he used a false name, the registrars must examine him. [55B:11] In that case, questions would relate to the apparent nominee's identity.

With respect to allegations that a candidate or a signer is not a duly registered voter, the information appearing under VOTER REGISTRATION, XIII. K. 2. (a) residence on pages 92-94 and under (b) other allegations on page 94 would apply.

If more candidates bearing the same designation are nominated, otherwise than by nomination papers, than are to be elected to an office, the board of registrars must determine the candidates, if any, entitled to such designation. For example, if two candidates claim to have been nominated for a given office by a Democratic party caucus but only one person is to be elected to that office, the registrars determine which candidate is entitled to the designation *Democratic Caucus Nominee*. The registrars might ask questions related to the procedures used at the caucus or related to whether or not a candidate's signature indicating acceptance was forged.

9. Registrars to Make Determination [55B:7]

After all evidence has been presented, testimony given and the counsel present have made arguments of law, the registrars must determine the question raised in the objection. The determination must be based upon all the evidence and testimony.

A formal vote should be taken on each question in the objection. For example, if a certified signature has been challenged, the board should vote on whether or not that specific signature should have been certified and include in the vote the name of the signer.

The burden to prove his case rests on the objector. Therefore, if the registrars' vote results in a tie, the status quo is maintained. For example, a tie vote with respect to an allegation that a certain signature was improperly certified would result in retaining that signature as certified.

10. Decision Deadline [55B:7]

The registrars must make their decision not later than 4 days after the last day fixed for filing objections. The General Laws do not specify an hour by which the decision must be made. However, good practice indicates that the decision should be made not later than 5:00 P.M. on the last day.

11. Registrars' Failure to Decide [55B:7]

In the event the registrars fail to make a decision within the time specified, the town clerk shall proceed forthwith to cause the ballots for the primary, election or caucus to be printed.

12. Record of Hearing and Decision

The formal record of the hearing and decision should be prepared the same as outlined under VOTER REGISTRATION, XIII. N. Record of Hearing and Decision on page 95 except that *objector* should be substituted for *complainant*. A detailed statement of the reasons for the registrars' decision should be included. For example, the specific facts presented at the hearing resulting in a certified signature being rejected should be stated in the hearing record.

13. Appeals to the Court [56:59; 1988:296]

The supreme judicial and superior court department of the trial court shall have jurisdiction of civil actions to enforce the provisions of Chapters 50 to 56 inclusive and may award relief formerly available in equity or mandamus.

If one of the interested parties disagrees with the registrars' decision, he may take the matter to court. However, he should do so within a day or two after the decision was made. Do not attempt to advise the person appealing the decision, except to recommend that he consult a lawyer if he has not already done so.

NOTE: Printing the ballot should not be delayed even if the registrars' decision is appealed, unless the court orders that the ballot not be printed. The town clerk may send the court an affidavit stating when the ballot must be printed to accommodate those voting by absentee ballot and to permit the election to proceed. Such an affidavit will inform the court of the need for a final decision as early as possible. (see sample affidavit on pages 300 and 301)

14. Objections are Public Records [53:16]

Objections to certificates of nomination and nomination papers when filed, shall, under proper regulations be open to public inspection. (see B. 11. h. public records on page 187 for further information)

15. Retention Period [53:16; state retention schedule #2.31]

Town clerks shall preserve objections to certificates of nomination and nomination papers in their offices for one year. The objections may be disposed of after the retention period has expired without obtaining permission from the supervisor of public records since item #2.31 is starred in the retention schedule. (see B. 11. i. retention period on page 187 for further information)

II NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE

A. GENERAL

Most candidates whose names appear on state election ballots have been nominated by a political party primary. However, in order to have his name appear on the primary ballot, the candidate must have filed valid nomination papers prior to the primary. [53:44]

All minor party or unenrolled candidates whose names appear on a state election ballot are nominated by filing valid state election nomination papers.

Political party candidates for president and vice-president whose names appear on a state election ballot are nominated at national political party conventions. A vote at a state election for a candidate under the office of president/vice-president is technically a vote for the electors pledged to vote for that candidate, not for the candidate himself.

The electors for candidates nominated at the political party national conventions are chosen by the political party state committee. [53:8] The nomination papers for unenrolled or minor party presidential and vice-presidential candidates contain the names of the at large and district electors as well as the presidential and vice-presidential candidates' names. In either case, the electors' names do not appear on the ballot.

NOTE: Information concerning offices and candidates appearing on a presidential primary ballot may be found under II.C. NOMINATION PAPERS - PRESIDENTIAL PRIMARIES on page 241. Information concerning charter commission nomination papers may be found under III. NOMINATIONS FOR CHARTER COMMISSION on page 259.

The provisions of the General Laws related to nominations appear in Chapter 53. In dealing with this chapter related to state and presidential primaries and elections, the difference between the terms *political party* and *party* should be considered. A political party is defined in 50:1 as *a party which at the preceding biennial state election polled for governor at least 3 percent of the entire vote cast in the commonwealth for that office.* Currently there are only two political parties, the Democratic and the Republican. With respect to state primaries and elections and presidential primaries, when the term *political party* is used in a section of the General Laws, the procedures apply only to those two parties.

NOTE: In 1974, the American party qualified as a political party under the definition of 50:1. In 1976 and 1978, a state primary was held for that party as well as for the Republican and the Democratic parties and voters could enroll in the American, Democratic or Republican party either at the time of registration, by subsequently filing a party change card or by voting in the primary. However, the American party has not been a political party since that time.

On the other hand, when the term *party* is used in the General Laws, the procedures may apply to a political party or to a so-called minor party, such as the Socialist Workers, Libertarian, etc. If the General Laws use the phrase *party other than a political party*, the procedures apply only to minor parties.

The following outlines the provisions found in the General Laws related to nominations for federal, state and county office and in the Regulations 950 CMR 55.00: Certification of Nomination Papers and Petitions promulgated by the state secretary.

NOTE: 1988:10 amended several sections of Chapter 53 and provides for the names of candidates for regional district school committee member elected district-wide to appear on a state election ballot. Information related to nomination papers for these candidates is included in notes under various sections of I. NOMINATIONS FOR TOWN OFFICE.

B. NOMINATION PAPERS - STATE PRIMARIES AND ELECTIONS

1. Preparation [53:17,47]

Blank forms for nomination for all offices to appear on the state primary or state election ballot are prepared by the state secretary. [53:17,47] The blank forms must be available for use on or before the 15th Tuesday preceding the last day for filing [53:47], in mid-February in even numbered years. Contact the Elections Division, 617-727-2828, 1-800-462-8683, for the exact date.

Forms may be obtained in person, by telephone or by mail from the Elections Division, Room 1705, One Ashburton Place, Boston 02108 or from Secretary of State West, 21 Elm Street, Springfield 01103. In addition, a supply of some of the blank nomination paper forms is sent by the Elections Division to the the clerk's office in many cities and the larger towns and may be obtained at those offices.

NOTE: If you have not been provided with a supply of forms but have received requests for them, refer the person to one of the cities or larger nearby towns, to the Elections Division in Boston or to the Springfield office.

2. Format (see sample forms on pages 302-308)

There are several different nomination paper forms prepared by the state secretary for state primaries and elections. All forms are about 12" X 19" with black printing. The form number is different depending upon the purpose. The form color, except for state primary nomination papers, is different depending upon the purpose and may vary in each state election year.

- Form E-1; white: state primary nomination papers

- Form E-15; beige (1986): state election nomination papers for state-wide office for two or more candidates, used in years the offices are on the ballot (minor party or unenrolled state-wide offices)

- Form E-15B; beige (1988): state election nomination papers for electors of president and vice-president. (minor party or unenrolled) This form was light green in 1984

- Form E-16; yellow (1986 & 1988): state election nomination papers for state-wide office or governor's councillor, used in years the offices are on the ballot, and for state senator, state representative and county officers. (minor party or unenrolled)

- Form E-16B; green (1986 & 1988): state election nomination papers for U. S. senator and representative in congress. (minor party or unenrolled) This form was used for congress only in 1986.

NOTE: The state secretary also provides the nomination paper form for Barnstable County Assembly Delegate. The form has no form number and is 8 1/2" X 14," white with black printing. The delegates were first elected at the 1988 state election. (see sample form on pages 309 and 310)

3. Contents [53:7,8,45,46,48]

Each form contains instructions to candidates, signers and registrars. The required information is either printed on the form or spaces are provided in which it must be entered.

The following items appear on all forms of nomination papers for state primaries and elections:

NOTE: 53:8 specifies information required on state election nomination papers and 53:45 specifies information required on state primary nomination papers. Several of the items listed below are required on both primary and election nomination papers as indicated by [53:8,45]. The starred items are those in which the information must be entered before any signatures are collected.

- date and time received by registrars: A box is provided at the top of each form in which to enter the date and time it is submitted to the registrars. A time stamp may be used. [53:7,46] (see II.B. 8. a. time stamp on page 225)

- signers' city or town: Space is provided at the top of each form in which to enter the city or town of residence of the voters who sign the papers. (see B. 7. a. where to submit on page 224)

- *name of candidate: [53:8,45] Space is provided on Forms E-1, E-16 and E-16B for one candidate's name. More than one candidate's name is specifically prohibited on state primary nomination papers, Form E-1. [53:45] On Form E-15, spaces are provided for the name of a candidate for each state-wide office. The name of more than one candidate is permitted only on a state election nomination paper for state-wide offices. [53:8] State election nomination papers for governor and lieutenant governor must contain the names and addresses of candidates for both offices. [53:6] On Form E-15B, spaces are provided for the names of presidential and vice-presidential candidates and the 2 at large and 11 district candidates for elector.

- *residence: The candidate's street name and house number, if any, must be entered in the space provided. [53:8,45] Space is provided for zip code since the Elections Division frequently needs to send notices to candidates, but such an entry is not specifically required by the General Laws.

- *office: The title of the office for which the candidate is nominated, as it will appear on the ballot, should be entered. [53:8,45] Note that the title for constitutional offices is printed on Form E-15. If in doubt about the form of the title, refer to specimen ballots from previous primaries or elections if these have been kept on file, or contact the Elections Division at 617-727-2828 or 1-800-462-8683.

- I accept the nomination: Space in which the candidate should sign his acceptance of the nomination has been provided on each type of nomination paper. Written acceptance is required to appear on state primary nomination papers. [53:45] Written acceptance is required to be filed with other nomination papers. [53:9]

- deadlines: Although not specifically required by the General Laws, the deadlines, including the name of the day, the date and the hour, for submitting nomination papers to registrars and for filing them with the state secretary, are printed on the papers.

- voters' signatures and addresses: [53:7] Spaces are provided at the bottom of the front and on the back of all nomination papers for the signatures and addresses of voters who are nominating the candidate(s). Form E-1 contains 54 spaces. Form E-15 contains 56 spaces and other forms contain 57 spaces.

- certification of signatures: [53:7,46] The certificate to be signed by the registrars showing the number of certified signatures on each form is provided on the back at the bottom along with the instructions to registrars and the code letters to be used for rejected signatures.

The following items appear on certain nomination paper forms as indicated below:

- *party: [53:45] Space is provided at the top of Form E-1, state primary nomination papers, for the name of the political party whose nomination the candidate seeks. Democratic or Republican should be entered.

- *district: [53:8,45] The exact title of the district, if applicable, should be entered on the line provided near the top of Form E-1, state primary nomination papers, Form E-16 and Form E-16B, state election nomination papers for one candidate. An entry must be made by candidates for congressman, governor's councillor, state senator, state representative, and county offices. The cities and towns included in each congressional, councillor, senatorial and representative district and the title of each may be found in Chapter 57 of the General Laws. In many but not all cases, the name of the county should be entered by candidates for county office. If in doubt, the candidate should contact the Elections Division, 617-727-2828, 1-800-462-8683.

- enrollment certificate: [53:48] An enrollment certificate appears under the candidate's information on Form E-1, state primary nomination papers only. Such a certificate is included on the nomination papers for the convenience of the candidate and the registrars. The certificate must be filed with the papers of each candidate running in a state primary.

- certificate of voter registration: [53:9] A certificate of voter registration appears under the candidate's information on Forms E-16 and E-16B, state election nomination papers for one candidate. Such a certificate is included on the nomination papers for the convenience of the candidate and the registrars. The certificate must be filed with the papers of each candidate running in the state election who was not nominated in the preceding primary.

- candidate's statement of public office: Space is provided opposite the enrollment certificate for the 8 word statement of public offices held and the phrase *candidate for re-nomination,* if applicable, on Form E-1, state primary nomination papers, only. The candidate may, but is not required to make an entry. [53:45] He may make the entry at any time before the papers are filed with the state secretary. (see I. NOMINATIONS FOR TOWN OFFICE, B. 3. b. (2) - eight word statement on page 130 for further information) Candidates using nomination papers for state elections are not entitled to an 8 word statement, except that *candidate for re-election* may be entered if the candidate is an elected incumbent of the office he seeks. [53:8]

- *political designation, if any: [53:8] Space is provided at the top of Forms E-15, E-15B, E-16 and E-16B, state election nomination papers, for a political designation in not more than three words. The name of a minor party, such as Socialist Workers, Libertarian, etc. may be entered. *Independent* or *Unenrolled* may be entered by candidates who do not represent any party. If no designation is entered, the designation *Unenrolled* will appear on the state election ballot. 53:8

specifically prohibits the use of a political party name and prohibits the use of the name of any organization adjudicated subversive under 264:18 in a political designation on state election nomination papers.

- committee of five registered voters: [53:8] Space is provided only on Form E-15, state election nomination papers for state-wide office for two or more candidates, for the names and addresses of a five member committee. If the papers contain the names of candidates for governor and lieutenant governor, the names and addresses of members of a committee of five registered voters must be entered. This committee will fill a vacancy caused by the death, withdrawal or ineligibility of either candidate.

4. Providing State Nomination Papers [53:17,45,47]

The state secretary shall, upon application, provide blank forms for the nomination of candidates for all state offices. [53:17] In addition, nomination papers for use in the nomination of candidates to be voted for at state primaries shall, upon request, be furnished by the state secretary. [53:47]

NOTE: A person may obtain and circulate state primary nomination papers for more than one office. However, he must withdraw from all but one office before the deadline for withdrawal has expired or his name will not appear on the primary ballot under any office. (see 53:46, last sentence)

Only blank forms are provided and candidates are responsible for entering the information at the top of the forms before signatures are collected, if required by 53:8 or 53:45. (see starred items under B. 3. Contents on pages 215 and 216)

The General Laws do not require town clerks to furnish state nomination paper forms. However, if your office has received such forms, they should be provided upon request. They may be provided at any time after the forms are received and before the deadline for submitting nomination papers to the registrars. (see II.B. 7. Submitting Nomination Papers to Registrars on page 223)

Most town clerks provide only blank forms. Assistance in filling out the forms may be given upon request. However, if you are not certain what should be entered, contact the Elections Division at 617-727-2828 or 1-800-462-8683.

There are no restrictions in the General Laws as to who may obtain nomination papers related to state primaries or elections. The blank forms may be obtained by any person who requests them. In addition, there is no restriction on the number of forms which may be provided upon request.

In some towns, a record is kept of the number of blank forms given out and the name of the person who obtains them even though this is not required by the General Laws. Also, some town clerks limit the blank forms given to any one candidate to a reasonable number so that the entire supply is not given out to the first candidate who makes a request.

NOTE: The provision appearing in 53:17 and 53:58 prohibiting nomination papers from being given to any person except the candidate or a person presenting the candidate's signed authorization does not apply to state nomination papers. The provision appearing in 53:9A limiting the number of forms which may be provided in towns which have accepted the section does not apply to state nomination papers.

Whoever knowingly subscribes falsely to a statement on a primary nomination paper shall be punished by a fine of not more than $50.00. [53:45]

5. Material Provided with Nomination Papers

a. voting list and street list [51:6,55,58; 1986:402; 53:37]

The requirements for providing a free copy of the voting list and the street list to candidates in state primaries and elections and to political committees are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 5. a. voting lists and b. street lists on pages 148 and 149.

The free copy of the voting list and street list must be provided upon request, whether or not you provide blank state primary or election nomination papers. The lists may be provided to any candidate or other person who requests them for a candidate. No written authorization is required.

In many towns, a record is kept of the free copies of lists provided including the name of the candidate and the name of the person who requested the lists, if other than the candidate.

b. information for candidates

If you received a supply of state nomination papers, you will also receive a supply of flyers or sheets prepared by the Elections Division containing information for candidates on filing dates, where nomination papers are available, number of signatures required, certification of signatures, etc.

Two kinds of flyers are prepared. One is for candidates in the state primary and should be provided with white nomination papers. The other is for candidates in the state election and should be provided with yellow, green or beige nomination papers.

In addition, whether or not you have received a supply of nomination papers, you may obtain from the Elections Division, copies of the pamphlet *Don't stand there...Run, A Candidate's Guide to State Elections*. These pamphlets may be provided upon request.

If you receive requests for information not included in the flyers, the pamphlet or in this manual, refer the person to the Elections Division, 617-727-2828, 1-800-462-8683 or contact the Elections

Division yourself while the person is in your office. Do not attempt to answer such questions without assistance.

c. campaign finance information and forms [Ch. 55]

Candidates in state primaries and elections, except candidates for federal office, must comply with the requirements of Chapter 55 of the General Laws with respect to campaign finance reports. The provisions governing such candidates are different from those governing candidates in town elections.

If you receive requests for information concerning campaign finance reports required of candidates in state primaries or elections, you may provide a copy of Chapter 55 and/or refer the person to the Office of Campaign & Political Finance, One Ashburton Place, Room 1005, Boston, 02108, 617-727-8352, 1-800-462-6273.

A candidate for federal office must comply with the federal campaign finance laws. He must also file a copy of his reports with the Public Records Division of the Office of the State Secretary. If such a candidate requests information, refer him to the Federal Elections Commission, 999 E. Street, N.W., Washington, D.C. 20463, 1-800-424-9530 and to the Public Records Division, One Ashburton Place, Room 1703, Boston, 02108, 617-727-2832.

d. statement of financial interest [53:9]

No nomination paper of a candidate for public office, as defined by Chapter 268B, shall be accepted by the state secretary nor be valid unless accompanied by a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed.

Under 268B:1, public office means any position for which one is nominated at a state primary or chosen at a state election, excluding the positions of senator and representative in congress and the office of regional district school committee member elected district-wide. (see 268B:1; 1988:10) The offices of president and vice-president are also excluded.

If you receive a request for information from a candidate in a state primary or election concerning the required statement of financial interest, refer him to the State Ethics Commission, One Ashburton Place, Room 1413, Boston, 02108, 617-727-0060.

6. Collecting Voters' Signatures

Collecting voters' signatures on state nomination papers is the responsibility of the candidate. While each candidate is responsible for educating himself and his workers on the requirements of the General Laws with respect to voters' signatures on nomination papers, information is provided in the flyers and candidate's guide prepared by the Elections Division and is outlined below.

a. number of certified signatures required [53:6,44]

(1) state primary nomination papers [53:44]

The number of certified signatures required on state primary nomination papers depends upon the office the candidate seeks, as follows:

U.S. Senator	10,000
U.S. Congress	2,000
Governor & Lt. Governor	10,000
Attorney General	10,000
State Secretary	5,000
Treasurer & Receiver General	5,000
Auditor	5,000
Governor's Councillor	1,000
State Senator	300
State Representative	150
District Attorney	1,000
County Commissioner	1,000
County Treasurer	1,000
Register of Deeds	1,000
Clerk of Courts	1,000
Register of Probate	1,000
Sheriff	1,000

NOTE: In Dukes and Nantucket counties, candidates for county offices need only 25 signatures. In Barnstable, Berkshire, Franklin and Hampshire counties, candidates for county office, except district attorney, need only 500 signatures.

If 10 per cent of the number of voters in a district who are enrolled in the party whose nomination the candidate seeks is less than the number of required signatures shown above for a district office, then the number of signatures required on nomination papers shall be either 10 per cent of the number of enrolled voters or 50 per cent of the number of signatures required by 53:44, whichever is greater. The total number of enrolled voters in the district shall be determined from the records of the state secretary.

A candidate in a district having a small number of voters enrolled in his party, should contact the Elections Division to determine the number of certified signatures required on his nomination papers.

A statewide Democratic party candidate must also receive at least 15% of the vote on any ballot at the state nominating convention. Otherwise his name does not appear on the Democratic primary ballot even if he filed nomination papers with a sufficient number of certified signatures. [State Democratic Party Charter]

(see chart on page 311 for age, residence and other requirements; see ELECTION WARRANTS in Volume 3 of this series, pages 61-63 for chart showing terms of office)

(2) state election nomination papers [53:6]

For unenrolled or minor party candidates running only in the state election, the required number of certified signatures on nomination papers is the number of voters as will equal two per cent of the entire vote for governor at the preceding state election in the commonwealth at large or in the district or division for which the office is to be elected. However, the number of certified signatures required shall, in no event, be less than the number required of a candidate of a political party for the same office in the same district or division to have his name placed on the primary ballot.

If in any district or division, the aggregate number of signatures cannot be calculated because of changes in district, precinct or ward lines, the total number shall be twice the number required by 53:44 of a candidate to have his name placed on the primary ballot.

Since the number of votes for governor varies from election to election, the number of required certified signatures also varies. For example, for the 1980 state election, the number of certified signatures for state-wide office was 32,245. In 1986, the number was 41,006. The required number of certified signatures is printed on the nomination papers, Forms E-15 for state-wide office - two or more candidates and E-15B for electors of president/vice-president and U.S. senate.

A candidate running in the state election only, particularly one using Form E-16 or Form E-16B, should contact the Elections Division to determine the number of certified signatures required. Neither the town clerk nor the candidate should attempt to calculate this number.

b. who may sign [53:7,46]

(1) state primary nomination papers [53:46]

For state-wide office, any registered voter in the commonwealth not enrolled in any other political party than that whose nomination the candidate seeks, may sign a state primary nomination paper.

NOTE: The requirement limiting the number of signatures from any one county to 1,500 was removed from the law by 1972:50.

For district office or county office, the signer must be registered in the same district or county as that for which the nomination is made and not enrolled in any other political party than that whose nomination the candidate seeks.

A Democratic candidate's papers may be signed by voters enrolled in the Democratic party or by unenrolled voters. A Republican candidate's papers may be signed by voters enrolled in the Republican party or by unenrolled voters.

A Democratic primary nomination paper for state representative, for example, may be signed only by the voters in the representative district for which the nomination is made and who are also either enrolled Democrats or unenrolled.

(2) state election nomination papers [53:7]

For state-wide office, any registered voter in the commonwealth may sign the nomination papers. For district or county office, any voter registered in the same district or county as that for which the nomination is made may sign the nomination papers. Enrollment in a political party should not be considered.

In order to have his signature certified, a signer must be a registered voter and, for primary nomination papers, enrolled in the appropriate political party or unenrolled, at the time nomination papers are being processed by the registrars. A person may sign a nomination paper and then register to vote as long as he registers before his signature is processed.

c. number of papers which may be signed [53:7,45]

Every voter may sign as many nomination papers for each office as there are persons to be nominated therefor or elected thereto and no more. For every office appearing on a state election ballot, except county commissioner in certain years, only one person is to be elected. A voter may sign the nomination papers of one candidate for each office.

In 1984 and every fourth year thereafter, two county commissioners are to be elected unless otherwise provided in a county charter [Ch.34A; 1985:801]. In those years, a voter may sign the nomination papers of two candidates for county commissioner.

An unenrolled voter may not sign the papers of both a Democratic and a Republican candidate for the same office, except for county commissioner when two are to be elected. However, he may sign the papers of a Democratic candidate for one office and the papers of a Republican candidate for a different office. A voter may not sign the state primary papers of one candidate and the state election papers of another candidate for the same office, unless more than one person is to be elected.

d. voter to sign in person [53:7]

See I. NOMINATIONS FOR TOWN OFFICE, B. 6. d. voter to sign in person on page 153.

The signature is to be entered in Column I entitled SIGNATURES... on any form of nomination paper.

e. form of signature [53:7]

See I. NOMINATIONS FOR TOWN OFFICE, B. 6. e. form of signature on page 153.

f. voter's address [53:7]

See I. NOMINATIONS FOR TOWN OFFICE, B. 6. f. voter's address on page 154.

The current address should be entered in column II entitled NOW LIVING AT on any form of nomination paper. The previous address should be entered in column III entitled RESIDENCE ON JANUARY 1, 19-- on any form of nomination paper only if different from the current address.

g. ward and precinct [Regs. 55.03(2)(a)]

The column entitled WARD and the column entitled PREC. are provided on all nomination paper forms for the convenience of the registrars. The voter in a city may enter his ward and precinct number and the voter in a town divided into precincts may enter his precinct number, but such entries are not required.

h. where to collect signatures

See I. NOMINATIONS FOR TOWN OFFICE, B. 6. h. where to collect signatures on page 155.

The candidate should collect signatures on a given nomination paper from only one city or town. Signatures may not be certified on nomination papers from more than one city or town per sheet. (see II. B. 7. Submitting Nomination Papers to Registrars on page 156)

i. penalty [56:11]

The penalty on whoever unlawfully signs a nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year. [56:11]

7. Submitting Nomination Papers to Registrars [53:7,45,46]

After signatures have been collected, each nomination paper must be submitted to the registrars for signature certification. If the city or town has an election commission, nomination papers should be submitted to that commission.

NOTE: 53:7 is the principal section of the General Laws governing submitting nomination papers to registrars and signature certification and applies to state election nomination papers. 53:45 and 53:46 related to state primary nomination papers refer to 53:7 for the provisions for submission of those nomination papers and signature certification.

a. where to submit [53:7,46]

Each nomination paper should be submitted to the registrars of the city or town where the signers appear to be voters. [53:7,46] If voters of more than one city or town have signed a paper, it should be submitted to the registrars of the municipality in which a majority of the signers appear to be voters. Signatures may not be certified on nomination papers from more than one city or town per sheet. [53:7]

For example, a candidate's papers cannot be submitted to the registrars in one town for the certification of voters of that town and the same paper subsequently submitted for certification to the registrars of another town, even if a substantial number of voters in the second town had signed the same paper and even if there were time before the submission deadline expired.

b. who must submit

The General Laws do not specify who must submit nomination papers. Unless the candidate lives in your town or in a community nearby, the nomination papers will probably be submitted by the candidate's agent or his local campaign coordinator. There is no requirement that a such a person present the candidate's written authorization at the time of submission.

c. deadline for submission [53:7,46]

See II. B. 11. d. deadline for filing on page 237.

(1) biennial state primary and election

Nomination papers for all offices which appear on the biennial state election ballot must be submitted to the registrars on or before 5 P.M. on the 28th day preceding the day on which they must be filed with the state secretary. [53:46] The deadline for submission is printed on each form and is the fourth Tuesday prior to the filing deadline.

Note that the specific date by which papers must be submitted is not the same for all offices since the filing deadlines differ. For example, for state primary nomination papers, the submission deadline for state-wide offices and congress is different from the deadline for other offices. Also, the filing deadline for state election nomination papers for independent and minor party candidates for federal offices is different from other offices.

(2) special state election

Nomination papers for an office appearing on a special state election ballot must be submitted to the registrars on or before 5

P.M. of the 7th day before the day on which they must be filed with the state secretary. The filing deadline will depend upon the office to be filled. [53:7]

8. Receiving Nomination Papers

A registrar or the town clerk acting as clerk to the board of registrars or an employee in the office may receive nomination papers. If, however, the town has an election commission, that commission should receive the papers since the town clerk is not a member and has no duties with respect to nomination papers.

a. time stamp [53:7,46; Regs 55.02(1)]

See I. NOMINATIONS FOR TOWN OFFICE, B. 8. a. on page 158.

b. checking procedures

Check the addresses entered by the signers to be certain that at least most of them are in your town. If a majority of the addresses are in another town or in a city, suggest to the submitter that he take the paper to the registrars of that community. (see II. B. 7. a. where to submit on page 224)

If some of the candidate's information is missing or incorrect, the paper should be accepted for processing as presented. You may point out the omission or error to the candidate or his agent and suggest that he contact the Elections Division. Changes and additions should not be made at the town clerk's/registrars' office, except to correct a district.

NOTE: The candidate's acceptance of the nomination does not need to be signed until the papers are filed with the state secretary. The papers should be accepted for processing whether or not the candidate has signed.

If the candidate is running for a district office, check to be certain that the district entered on the nomination papers is correct, that is, the one in which your town is located. If the district entered is not correct, it must be corrected before any signatures are certified. [53:7,46]

The procedures to be used for correcting the district on state primary or state election nomination papers are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 8. b. (3) error in district or precinct designation on page 159.

In no case may a correction be made on a nomination paper to change the office for which the candidate is nominated. [53:7,46]

c. receipt [Regs. 55.02(1)] (see sample receipts on pages 286 and 287)

The regulations require that a receipt be given to the person submitting nomination papers. The receipt must show the number of papers submitted. The name of the candidate and the office for which he is running should be entered for identification. In many towns, the date and time of submission, the candidate's address and the number of signatures submitted is also entered.

The name, address and telephone number of the submitter or the candidate's local coordinator may also be entered so that you may contact him, if necessary, after the papers have been processed.

It is recommended that a copy of each receipt issued be kept on file in the office.

NOTE: On occasion, nomination papers are submitted by mail. In this case, no receipt can be issued unless the papers are sent certified, return receipt requested. Usually the candidate includes a cover letter indicating whether the papers will be picked up after processing and by whom, or requesting that they be returned by mail.

d. unused signature spaces [Regs. 55.02(5)]

The Regulations require that a solid line be drawn across all unused signature spaces on each nomination paper. If the papers are submitted in person, this must occur at the time of submission and in the presence of the submitting person.

It is suggested that a large X be drawn in ink through all unused signature spaces. This will prevent any signatures from being added after the papers have been certified.

e. unofficial signature check

Some town clerks will unofficially check signatures on state nomination papers if requested at the time of submission. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. e. unofficial signature check on page 162)

f. keep candidate's papers together

It is suggested that all the papers for a given candidate be stapled together to insure that all signatures for that candidate will be together at the time they are processed. Misplacing or misfiling one paper of a set must be avoided.

g. recording candidate's papers [Regs. 55.02(4)]

The Regulations strongly recommend that a record of each candidate's nomination papers, including the number of signatures certified, be kept. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. g. recording candidate's papers on page 163.)

h. temporary file

See I. NOMINATIONS FOR TOWN OFFICE, B. 8. h. temporary file on page 164.

i. public records [4:7(26); 53:16; Chapter 66; Public Records Access Regulations 950 CMR 32.00]

Nomination papers are public records and open to public inspection when they are submitted to the registrars and during the time the signatures are being processed. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. i. public records on page 164.)

9. Processing Nomination Papers

The procedures outlined under NOMINATIONS FOR TOWN OFFICE, B. 9. Processing Nomination Papers on page 165 apply to processing nomination papers for state primaries and elections, except as follows:

a. voting list

The provisions of 54:103P specifically permitting the use of the voting list of the previous year, as amended or revised, when the current voting list is not available for use in certifying names, applies to nominations for town office. However, the deadline for submitting state primary and election nomination papers, except for independent and minor party candidates for federal offices, is well before July first when the new voting list must be available. (see 51:55) Therefore, as a practical matter, the previous year's voting list, as amended or revised, together with any supplementary lists will have to be used for processing the papers.

Note that the deadline for submitting state election nomination papers for independent and minor party candidates for federal offices, Form E-15B and E-16B, is after July first. However, the state primary nomination papers for the offices of U.S. senator and U.S. representative will have been processed using the previous year's voting list and the same voting list should be used for processing state election nomination papers for these offices to avoid certifying the signature of a voter who has signed too many papers.

Candidates in a state primary or election would not be running for precinct office. However, in some towns, certain precincts are in one councillor, state senatorial or state representative district and other precincts are in a different district. In that case, the part of the voting list for the precincts included in the appropriate district should be used instead of the voting list for the entire town.

b. order of processing [53:7,46; Regs. 55.02(1)]

53:7 applies to state election nomination papers and 53:46 applies to state primary nomination papers. The requirement that papers be processed in the order of submission appears in both general law sections and in the Regulations. The procedures outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 9. b. order of processing on page 167 may be used.

c. number of signatures to be processed [53:7; Regs 55.02(8)]

The registrars shall certify a number of names required to make a nomination increased by two-fifths thereof, if they are submitted in a timely manner for certification. This requirement of 53:7 applies to state primary nomination papers and to state election nomination papers.

As a practical matter for most offices, the registrars must certify or reject every signature submitted. It is unlikely that a candidate for an office, other than state representative for which only 150 signatures are required, will submit enough signatures to have the number required for nomination plus two fifths certified on his papers in any one town. For example, if 1,000 signatures are required for nomination and a sufficient number of signatures have been submitted, the registrars may not discontinue the certification process until 1,400 signatures have been certified, or until all signatures have been processed if less than 1,400 can be certified. Note that on state nomination papers, the number of certified signatures required is usually much larger than for state primary nomination papers making it even more difficult for a candidate to submit a sufficient number of signatures in any one town to have the required number plus two fifths certified in that town alone.

EXCEPTION: In Dukes and Nantucket counties only 25 signatures are required on state primary nomination papers for county office. In those counties, 25 plus two fifths (10) certifiable signatures are more likely to be submitted in one town. In that case, the registrars may discontinue processing signatures when 35 have been certified even if more signatures have been submitted.

d. unused signature spaces [Regs. 55.02(5)]

After signatures have been processed, all unused signatures spaces on each nomination paper should be crossed out if this has not already been done. (see this chapter II. B. 8. d. unused signature spaces on page 226)

e. certifying signatures [53:46]

The registrars shall hold meetings for the purpose of certifying signatures as follows:

- for state primary nomination papers: on the four Tuesdays next preceding the 7th day before the final day for filing nomination papers with the state secretary. The first Tuesday meeting will be on the fifth Tuesday before the filing deadline. Also, there are two separate filing deadlines depending upon the office for which the candidate is running.

- for special state primary nomination papers: on the two Tuesdays next preceding the 7th day before the last day for filing nomination papers with the state secretary

The primary purpose of the meeting requirement is to insure that nomination papers are expeditiously processed and certified. While technically required by 53:46, formal meetings of the board of registrars in many towns are not held. The signatures are processed by the town clerk and/or the town clerk's/registrars' employees and the registrars signature stamp is used. The board meets only if the town clerk is in doubt as to whether or not a signature is certifiable. This procedure permits signatures to be certified and the required certificates to be signed on most of the nomination papers without board meetings.

The Elections Division recommends that the board of registrars formally vote to authorize the town clerk or an appropriate employee to use the signature stamp to avoid questions being raised as to the validity of certificates. (see *The Public Recorder*, August 1988)

If, however, the registrars do not have a signature stamp, they should be certain that they sign the required certificates on any nomination papers which have been processed by the Tuesdays outlined above. Nomination papers should not remain unsigned beyond the Tuesday next following the day on which processing has been completed. If necessary, the registrars may come to the office one at a time to sign the certificates.

NOTE: 53:7 requires the registrars to certify the number of signatures on the papers *forthwith* after they have been checked.

f. deadline for certification [53:7,46]

Certification of signatures on state primary and election nomination papers must be completed not later than the 7th day before the final day for filing nomination papers with the state secretary. The General Laws do not specify a time by which certification must be completed on that day. The papers should be ready for candidates or their representative to obtain them not later than the time the office opens on the 6th day before the filing deadline.

The certification deadline must be met regardless of the number of nomination papers which must be processed even if all candidates wait until the last minute to submit their papers.

g. registrars'certificates [53:6,9,48; 1987:438; Regs. 55.02(7),(9), 55.03(5)]

On each nomination paper, the registrars must complete and sign a certificate of the number of certified signatures. [Regs. 55.02(7)] If the candidate is a voter in the town at the time of certification, they must also complete and sign an enrollment certificate or a certificate of voter registration on one or more of the nomination papers submitted to them. [Regs. 55.02(9)]

The certificates must be completed and signed in ink by at least a majority of the board, or the signature stamp used. [Regs. 55.02(7),(9)]

(1) candidate's enrollment certificate
(primary nomination papers only) [53:48; 1987:438; Regs. 55.02(9), 55.03(5)]

An enrollment certificate from the registrars of the town in which a candidate for nomination in a state primary is a registered voter must be filed with the state secretary on or before the deadline for filing nomination papers. This certificate is printed on the front of state primary nomination papers in a box directly under the spaces provided for candidate information.

The voter registration and party enrollment records should be checked before completing the certificate.

- candidate registered in your town more than 90 days prior to filing deadline [53:48; 1987:438; Regs. 55.03(5)(b)]

  The records must show that the candidate is a registered voter in the town. In addition, if the candidate has been a registered voter for more than 90 days, the enrollment records must show that he was enrolled in the political party whose nomination he seeks throughout the 90 days prior to the last day for filing papers with the state secretary. For example, if the filing deadline were May 31, 1988, the candidate must have enrolled on or before March 2nd.

  The enrollment records must also show that the candidate was not enrolled in the other political party during the year preceding the last day for filing nomination papers with the state secretary, or during the time he has been a voter in your town if he registered less than one year before the filing deadline. For example, if the last day for filing papers were May 31, 1988, the candidate must not have been enrolled in the other political party between May 31, 1987, or the time he registered, if later, and March 2, 1988.

  The candidate must meet both of the enrollment requirements outlined above or the certificate cannot be completed and signed.

- candidate newly registered in your town

  If the candidate registered in your town after the 90th day prior to the last day for filing his nomination papers with the state secretary, he must have enrolled in the appropriate party at the time of registration. 53:48 also requires that the candidate must not have been enrolled in the other party during the year preceding the last day for filing.

The procedures for checking party enrollment records are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 4. e. (2) towns with primaries on page 137.

The registrars should complete and sign enrollment certificates based upon their own records. [Regs. 55.03(5)] The regulations contain the phrase *according to the records of the registrars of the certifying city or town*. If the candidate has been a registered voter in your town for less than a year, his enrollment certificate should be completed and signed, unless the registration records in your town show he is not qualified. Whether or not the candidate was an enrolled voter in the town of his previous residence need not concern the certifying registrars.

The enrollment certificate needs to be completed on only one nomination paper if a candidate submits more than one but the candidate should be certain that the paper containing this certificate is among those filed. [Regs. 55.02(9)]

NOTE: Enrollment and registration certificates used to be prepared on a separate blue, pink or yellow form. These forms should not be used. The certificate provided on the nomination paper must be used.

(2) candidate's certificate of registration (state election nomination papers only) [53:6,9; Regs. 55.02(9), 55.03(5)(a)]

If the candidate submits state election nomination papers, a certificate of registration from the registrars of the town in which the candidate resides must be filed with the state secretary on or before the last day for filing nomination papers. [53:9] This certificate is required for all unenrolled and minor party candidates and is provided on the front of the state election nomination papers in a box directly under the spaces for candidate's information.

EXCEPTION: Form E-15, for use by more than one candidate, does not contain a certificate of registration. For these candidates, a separate certificate must be completed, signed and provided. The form may be typed using the text as it appears on other state election nomination papers.

The voter registration and party enrollment records should be checked before completing the certificate.

The records must show that the candidate is a registered voter in the town at the time of certification. In addition, the enrollment records must show that he has not been enrolled in a political party during the 90 days prior to the last day for filing papers with the state secretary or during the time he has been a registered voter in your town, if registered for less than 90 days.

[53:6; Regs. 55.03(5)(a)] For example, if the filing deadline were May 31, 1988, the candidate must have been unenrolled on or before March 2nd or at the time he registered, if after March 2nd.

NOTE: At the present time the only political parties are the Democratic and the Republican. Therefore, the provisions of 53:6 and Regs. 55.03(5)(a) outlined above apply to candidates of minor parties such as Socialist Workers, Libertarian, etc. as well as to unenrolled or independent candidates.

The procedures for determining whether or not the candidate was unenrolled during the 90 day period are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 4. d. (2) towns with primaries on page 137.

The certificate of registration needs to be completed on only one nomination paper if a candidate submits more than one, but the candidate should be certain that the paper containing this certificate is among those filed. [Regs. 55.02(9)]

(3) certification of signatures [53:7; Regs.55.02(6),(7)]

The certification of signatures form is provided on the back of each type of nomination paper at the bottom. The certificate must be completed and signed on each nomination paper containing processed signatures, whether or not it contains any certified signatures.

Enter the name of the town and the date of certification on the first set of lines on the left of the certificate. Enter on the line after *We certify that,* the number of names certified on that paper in words with the numerals in parentheses. [53:7; Regs. 55.02(6)] For example, enter twenty-five (25). If the paper contains no certified signatures, enter zero (0). Note that the registrars are certifying not only that the signatures checked are names of qualified voters in the town but that they are also qualified voters in the district for which the nomination is made.

The registrars should sign or the signature stamp used on the lines provided at the right of the certificate and the name of the town should be entered on the bottom line. [Regs. 55.02(7)]

h. record of certified signatures [Regs. 55.02(4)(c)]

The Regulations strongly recommend that a record be kept of the number of signatures certified on each candidate's primary or election nomination papers. This record will be needed by the State Ballot Law Commission should a candidate's papers be challenged on the grounds that signatures were added after certification. Keeping such a record will also help to discourage such illegal activity.

The record may be kept on the copy of the receipt issued when the nomination papers were submitted or on the candidate's record card or sheet. (see sample record on pages 288 and 289)

i. review of non-certified signatures [55B:6]

A candidate at a biennial state primary or state election may request that the registrars review the signatures he submitted on his nomination papers, if the number of certified signatures is 10 per cent or less in excess of the number required for nomination. The number of certified signatures on all papers submitted in all cities and towns must be used in the calculation, not just the papers submitted in the town where the review is requested.

The registrars of a given town may not know whether the total number of certified signatures meets the specifications. However, if a written application for review is received, it is suggested that the registrars assume the candidate is eligible under 55B:6 and that they conduct a formal review as requested. In most towns, the registrars conduct an informal review regardless of the number of certified signatures the candidate has obtained.

NOTE: 55B:6 does not apply to special state primaries or elections. However, the registrars probably may correct mistakes made during the certification process if there is time before the filing deadline.

The following procedures should be used:

(1) application for review

A written application, signed by the candidate, must be filed with the registrars. It must list the signatures on which the candidate wishes a review and may include only signatures not previously certified. To expedite the review, the candidate should include the number opposite and to the left of the each signature and the number of the nomination paper although the General Laws require only that the signature be listed.

The candidate may request only one review of signatures. He may, however, request a review of signatures in each city or town in which he has submitted nomination papers.

(2) deadline for filing

The application must be filed with the registrars not later than 48 hours after the last day for the registrars to certify nomination papers. For example, if the last day to certify nomination papers were May 24, 1988, the request for review must be filed by 5 P.M. on May 26th.

The original nomination papers on which the signatures to be reviewed appear should be submitted at the time the request is filed or as soon as possible thereafter. The original signatures, not a photocopy, should be examined by the registrars during the review.

(3) persons present at review

While not required by the General Laws, it is suggested that the candidate who requested the review be notified of the date, time and place of the review and that he or his representatives be permitted to attend. It is also suggested that the registrars explain the procedures they are using for the review, permit the records to be examined and answer questions asked by the candidate or his representative.

(4) review signatures listed

Upon receipt of the application, the registrars must review the signatures listed. The procedures to be used for review are not specified in the General Laws. It is suggested that the registrars compare the signature on the nomination paper with the voting list and supplements used in the original processing. If it appears that the signature was properly rejected, the registrars should review further by checking other records such as the affidavits of registration, the dropped voters lists or affidavits, the party enrollment records, etc. to determine whether or not an error was made on the voting list and/or supplementary list.

If it is found that a signature was incorrectly rejected or not processed, a correction should be made. The General Laws do not specify how the correction is to be made. It is suggested that the registrars complete and sign a certificate of correction. The certificate should contain the candidate's name, address and office sought, the name, address and number of each voter whose name should be certified and the corrected total number of certified signatures on that paper. The certificate should be attached to the nomination paper to which it relates. (see sample certificate of correction on page 312)

(5) review deadline

The registrars must complete their review and correction not later than 24 hours before the final hour for filing nomination papers with the state secretary. For example, if the final hour for filing papers were 5:00 P.M. on June 7, 1988, the review and correction must be completed not later than 5:00 P.M. on June 6th. If the final hour for filing papers were 5:00 P.M. on May 31, 1988, the review and correction must be completed not later than 5:00 P.M. on Friday, May 27th since May 30th was a holiday and Saturday and Sunday are not counted.

(6) candidate appeal

Following the signature review, a candidate, who still has a number of certified signatures equal to 10 per cent or less in excess of the number required for nomination and who has filed his nomination papers with the state secretary before the filing deadline expired, may appeal the registrars' decision to the superior court of the county in which the candidate resides. If that superior court is not holding a civil session, the appeal should be made to the superior court of Suffolk County.

The appeal must be filed within 72 hours of the last day and hour for filing nomination papers with the state secretary.

A candidate may be informed that he has a right to appeal the registrars' decisions to the court. However, do not attempt to give advice. Recommend that he consult a lawyer or the Elections Division.

If an appeal is taken to court, the registrars are responsible for defending their actions with respect to the original certification, reviews and corrections. The registrars may not simply present a list of signatures accompanied by the abbreviations indicating the reasons for noncertification. They must make a line by line comparison of the signatures with the voting list and explain why each signature was rejected. (see 4568 Registered Voters of Worcester v. City Clerk of Worcester, (1984) 465 N.E.2d 1209; 392 Mass. 421 and McCarthy v. Secretary of the Commonwealth, (1977) 359 N.E.2d 291; 371 Mass. 667)

It is likely that the registrars will be summoned to appear in court to testify and to bring pertinent records. Sometimes the records requested on the summons will be *all voter registration, party enrollment and census records on file in the registrars' office* or words to that effect. In that case, since it would be extremely difficult to bring all such records and it is likely that they are not needed, contact the lawyer named in the summons to determine what specific records he needs. He may need only a certified copy of some affidavits of registration, party change cards or the voting list.

10. Guidelines for Signature Certification [Regs. 55.03]

The guidelines for certifying signatures on state primary and election nomination papers are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification on page 174.

11. Filing with the State Secretary [53:9,10,48]

In order for a political party candidate to have his name printed on the state primary ballot or for an unenrolled or minor party candidate to have his name printed on the state election ballot, his nomination papers must contain the required number of certified signatures and they must be filed with the state secretary.

NOTE: The state Democratic party charter requires that a statewide primary candidate receive at least 15% of the vote on any ballot at the state nominating convention, in addition to filing valid primary nomination papers, in order to have his name printed on the primary ballot. Under certain circumstances, a candidate may have his name placed on the ballot by having a certificate of nomination filed. (see II. D. CERTIFICATES OF NOMINATION on pages 250 and E. NOMINATIONS TO FILL VACANCIES on page 251) The name of a candidate for regional district school committee member to be elected district-wide may be placed on the state election ballot by a certificate filed with the state secretary by the district clerk after the candidate has filed valid nomination papers with that clerk. [53:122(d); 1988:10] The name of a candidate for Barnstable County assembly delegate may be placed on the state election ballot by a notice filed with the state secretary by the town clerk after the candidate has filed valid nomination papers.

a. who may obtain processed papers [Regs. 55.04]

Processed nomination papers must be obtained from the registrars after certification so that they can be filed with the state secretary. The Regulations require that the registrars return processed papers only to persons who present acceptable identification. It is essential that the papers be given to a proper person to insure that they are delivered to the candidate or his representative. Otherwise, the papers may not be filed and the candidate would be prevented from having his name appear on the ballot.

The Regulations specify the following as acceptable identification:

- the receipt issued by the registrars at the time the papers were submitted [Regs 55.04(1)]
- written authorization signed by the candidate or on the candidate's printed letterhead [Regs. 55.04(2)]
- telephone authorization by the candidate or his headquarters [Regs. 55.04(3)]
- personal recognition by the registrars [Regs. 55.04(4)]

Regardless of the identification presented, the person who obtains the processed nomination papers must sign his name and address on the registrars' records. [Regs. 55.04] The signed record should show the candidate's name and the number of papers returned. It may also show the number of signatures submitted and certified. The person obtaining the papers may sign and enter his address on the original receipt, the copy of receipt on file in the office, the candidate's record card or sheet, or a new receipt may be completed and signed.

If nomination papers have been mailed to the registrars, instructions may have been included to mail the processed nomination papers to the candidate's headquarters. In that case, it is suggested the papers be returned by certified mail, return receipt requested.

In some towns, if processed nomination papers have not been picked up a day or so before the filing deadline, the town clerk calls the candidate, his headquarters or his local coordinator to remind him of the filing deadline.

b. who must file [53:9]

Prior to 1976, 53:9 required that every nomination paper *shall be filed by a responsible person, who shall sign such paper and add to his signature his place of residence, giving street and number, if any; and the state secretary ... shall require a satisfactory identification of such person.* However, 1976:86 removed this requirement and the General Laws now do not specify who must file the nomination papers.

Papers may be filed with the state secretary by the candidate or his designee.

NOTE: A candidate may file state primary nomination papers for more than one office, but he must withdraw from all but one office before the withdrawal deadline expires or his name will not appear on the state primary ballot. (see 53:46, last sentence)

c. where to file papers

The nomination papers should be filed at the Elections Division, One Ashburton Place, Room 1705, Boston 02108 or at Secretary of State West, 21 Elm Street, Springfield 01103.

NOTE: The state secretary need not receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make the nomination increased by two-fifths. [53:7]

d. deadline for filing [53:10,48] (see 1988 Massachusetts Election Calendar on page 313)

The last hour for filing nomination papers with the state secretary is always 5:00 P.M. The last day for filing is different for different offices as follows:

(1) state primary nomination papers [53:48]

The last Tuesday in May of the year in which a state election is to be held, is the last day for filing primary nomination papers for state senator, state representative, governor's council and county offices.

The first Tuesday in June of the year in which a state election is to be held for the offices, is the last day for filing primary nomination papers for U.S. congress and state-wide offices (senator and representative in congress, governor and lieutenant governor, attorney general, treasurer and receiver general, state auditor and state secretary).

(2) special state primary nomination papers [53:48]

The 5th Tuesday preceding the day of the primary is the last day for filing nomination papers for a special state primary.

(3) state election nomination papers [53:10]

The last Tuesday in May of the year in which a state election is to be held is the last day for unenrolled or minor party candidates to file nomination papers for state senator, state representative, governor's council and county offices.

The first Tuesday in June of the year in which a state election is to be held for the offices is the last day for unenrolled or minor party candidates to file nomination papers for governor, lieutenant governor, attorney general, treasurer and receiver general and state secretary.

The last Tuesday in August of the year in which a state election is to be held for the offices is the last day to file nomination papers for unenrolled and minor party candidates for federal offices; presidential electors, U. S. senator and U. S. representative.

NOTE: 53:10 requires a filing deadline for candidates for federal office different from that stated above. The above filing deadline was ordered by the Suffolk Superior Court in 1985.

(4) special state election nomination papers [53:10]

The 10th Tuesday preceding the day of the election is the last day for unenrolled and minor party candidates to file nomination papers for representative in congress.

The 9th Tuesday preceding the election is the last day for unenrolled and minor party candidates to file nomination papers for other state offices.

e. acceptance of nomination [50:3A; 53:9,45]

A primary nomination paper shall be valid only in respect to a candidate whose written acceptance is thereon. [53:45] No state election nomination paper shall be valid unless the written acceptance of the candidate thereby nominated shall be filed therewith. [53:9] The acceptance may be signed by an attorney authorized by the candidate in writing and in that case, it is suggested that he contact the Elections Division to determine what is required.

Space for the candidate's acceptance is provided on both primary and election nomination papers. While the General Laws require that the acceptance be signed only on one of a group of certified nomination papers filed [50:3A], the Elections Division recommends that the candidate sign his acceptance on several of the papers to be certain that at least one signed paper is filed.

f. certificate of enrollment or voter registration [53:9,48]

A candidate's enrollment certificate must be filed with primary nomination papers. [53:48] A candidate's certificate of voter registration must be filed with election nomination papers. [53:9] The appropriate certificate is included on the nomination papers. (see II. B. 9. g. (1) candidate's enrollment certificate on page 230 and (2) candidate's certificate of registration on page 231)

g. receipt from state ethics commission [53:9; 268B:1,5]

A receipt from the State Ethics Commission showing that a statement of financial interest has been filed with that commission, must be filed with primary and election nomination papers, except for candidates for senator and representative in congress, president and vice-president. (see II. B. 5. d. statement of financial interest on page 219)

h. state secretary to issue receipt [53:9,48] (see sample receipt on page 314)

Upon receipt of either primary or election nomination papers, the state secretary must issue a certificate to the person filing them acknowledging the date and time of receipt. The certificate will be issued at the Elections Division or at Secretary of State West when papers are filed.

i. penalty [56:11]

The penalty on whoever files any nomination paper knowing that it has been falsely made or altered or suppresses a valid nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year.

j. public records [4:7(26); 53:16; 66:10; Public Records Access Regulations 950 CMR 32.00]

When nomination papers have been filed with the state secretary, they shall, under proper regulations, be open to public inspection. Individuals wishing to inspect filed nomination papers should contact the Elections Division, One Ashburton Place, Boston, 02108, 727-2828, 1-800-462-8683.

k. retention period [53:16]

The state secretary shall preserve filed nomination papers for a period of one year.

12. Withdrawal from Nomination [53:11,13,46; 55B:5]

A candidate who has filed state primary or state election nomination papers may withdraw from nomination. [53:13] In addition, a candidate who has filed state primary nomination papers for more than one office must withdraw from all but one office or his name will not be printed on the state primary ballot. A person is prohibited from being a candidate for nomination for more than one office. [53:46]

NOTE: The prohibition of 53:46 does not apply to candidates for membership on political committees. A person may be a candidate for state committee and for town committee on the same presidential primary ballot. (see II. C. NOMINATION PAPERS - PRESIDENTIAL PRIMARIES on page 241)

a. filing withdrawal request [51:13] (see sample request form on page 315)

The candidate must file a written withdrawal request with the state secretary. It should be filed at the Elections Division. The request must be signed and acknowledged before a notary public.

The candidate does not have to appear in person to file his withdrawal. He may sign and acknowledge the withdrawal elsewhere and have his designee file it for him. A form prepared by the state secretary and available at the Elections Division may be used.

b. deadline for filing [53:11; 55B:5]

53:13 provides that withdrawals must be filed within the time prescribed by 53:11. 53:11 refers to chapter 55B.

The deadline for filing a withdrawal is 72 hours after 5:00 P.M. of the last day for filing nomination papers. [55B:5] The last day for filing nomination papers is always a Tuesday although the specific Tuesday is different depending upon the office. The deadline for filing a withdrawal is 5:00 P.M. on the following Friday. (see B. 11. d. deadline for filing on page 237)

c. withdrawal request not to be received after filing deadline [53:13]

53:13 specifically prohibits receiving a withdrawal request after the filing deadline has expired. If the candidate does not file his request before that time, his name will appear on the ballot in spite of his decision to withdraw, except for candidates who have filed primary nomination papers for more than one office. In that case, the candidate's name does not appear on the primary ballot for any office.

NOTE: A person nominated at a state primary may withdraw his name from nomination by filing a signed and acknowledged withdrawal request with the state secretary within 6 days after 5:00 P.M. of the day on which the primary was held. [53:53A; 55B:5]

d. public records [4:7(26); 53:16; Chapter 66; Public Records Access Regulations 950 CMR 32.00]

When withdrawal requests have been filed with the state secretary, they shall, under proper regulations be open to public inspection.

e. retention period [53:16]

The state secretary shall preserve filed withdrawal requests for a period of one year.

f. penalty [56:11]

The penalty on whoever files any withdrawal statement knowing it has been falsely made or altered or suppresses a valid withdrawal statement is a fine of not more than $1,000.00 or imprisonment for not more than one year.

C. NOMINATION PAPERS - PRESIDENTIAL PRIMARIES

The offices which appear on a presidential primary ballot are presidential preference, state committee man, state committee woman and town committee. The state and town committees are the committees of the political parties, Democratic and Republican.

A person may have his name placed on the primary ballot under presidential preference by one of three methods. [53:70E] The state secretary shall place on the ballot the name of a candidate or potential candidate for president whom he has determined to be generally advocated or recognized by the national news media throughout the United States. He must place on the ballot the names of candidates or potential candidates for president appearing on lists signed by the chairmen of the state committees of the political parties. He must also place on the ballot the names of candidates or potential candidates for president who have filed valid nomination papers.

Voters at the primary do not nominate a political party candidate for president, however. The nomination is made by the delegates at a national convention. The selection of delegates and alternate delegates to the national conventions of political parties is determined by the system adopted by each of the political party state committees. However, the distribution of such delegates must reflect the vote cast under the presidential preference portion of the ballot including the number of votes cast under *no preference* and write-in votes. [53:70B]

Candidates for state and town committee must file valid nomination papers in order to have their names appear on the presidential primary ballot. Unlike other primaries when the voters nominate party candidates, at the presidential primary, the voters elect the state committee man, the state committee woman and the members of the town committee. [52:1,2; 53:70D] A person may be a candidate for state committee and for town committee on the same presidential primary ballot. (see 53:46, last sentence)

NOTE: 53:17A permits a convention of ward and town committees in a state senatorial district to nominate a candidate for state committee and have his or her name appear on a presidential primary ballot by filing a certificate of nomination. (see II. D. CERTIFICATES OF NOMINATION on page 250)

A person may become a candidate for town committee by having his name included on the slate nomination paper of the incumbent committee members. In that case, he should contact the chairman of the appropriate town committee. He may also have his name placed on the nomination paper of a separate slate of candidates for town committee. In that case, the nomination paper must contain at least three candidates. Or, he may file town committee nomination papers as an individual.

The following covers nomination papers used for a presidential primary. For further information on placing a name on the ballot under presidential preference by methods other than nomination papers contact the Elections Division, 617-727-2828, 1-800-462-8683, the Democratic State Committee, 11 Beacon Street, Boston, 02108, 617-367-4760 or the Republican State Committee, 20 East Street, Boston, 02111, 617-350-5619.

1. Preparation [53:70D,70E]

Nomination papers for presidential preference [53:70E] and for state and town committee [53:70D] are prepared by the state secretary. The blank forms are available at the Elections Division by the 15th Tuesday before the deadline for filing presidential primary nomination papers.

State committee nomination papers are sent by the Elections Division to many, but not all city and town clerks. Town committee nomination papers are sent to all town clerks. State and town committee nomination papers may be obtained at the city and town clerks' offices to which they have been sent.

2. Format (see sample forms on pages 316-321)

There are three types of forms for presidential primary nomination papers. All forms are about 12" X 19" with black printing. The form number and the color are different depending upon the purpose, as follows:

- Form E2-A; yellow: presidential preference
- Form E2-B; white: ward or town committee. This form is to be used for a slate of candidates or for an individual candidate
- Form E2-C; green: state committee. This form is to be used for state committee man or state committee woman

3. Contents [52:1,2,9; 53:45,46,48,70D,70E]

Each form contains instructions to candidates, signers and registrars. The required information is either printed on the forms or spaces are provided in which it must be entered.

The items appearing on nomination papers for presidential preference, state committee and town committee are the same as outlined in this chapter under II. B. 3. Contents on page 214, except as follows:

NOTE: The stars indicate information which must be printed or entered on the papers before any signatures are collected.

- *name of candidate: Space is provided on Form E2-A and on Form E2-C for the name of only one candidate. Space is provided on Form E2-B for 35 candidates, the maximum number which may be elected to a town committee. [52:9] If three or more candidates' names appear on the papers, they will appear as a group or slate on the ballot. If one or two candidate's names appear on the papers, they will appear as individual candidates on the ballot. [53:70E]

- *office: *President of the United States* is printed on Form E2-A and *State Committee* is printed on Form E2-C in the space provided for office. On Form E2-B for ward and town committee, a separate space for office is not provided. The office appears only at top of the papers as part of the title.

- voters' signatures and addresses: Space for voters' signatures and addresses appear only on the back of Form E2-B for ward and town committee since the front of the paper is taken up by lines for candidates' names.

- *party: Space is provided at the top of each type of nomination paper. Only Democratic or Republican may be entered. Minor party or unenrolled candidates' names do not appear on a presidential primary ballot.

- *district: District does not appear on Form E2-A for presidential preference or on Form E2-C for ward and town committee since it is not applicable. *Senatorial District* appears on Form E2-C for state committee since state committee members are elected from each state senatorial district. [52:1] The candidate should enter the name of the district in which he is running, such as *First Essex, Norfolk and Plymouth*, etc. (see 57:3 for names of districts and cities and towns included in each district)

- enrollment certificate: An enrollment certificate appears only on Form E2-B for ward and town committee and on Form E2-C for state committee. The requirements for party enrollment appear in 52:1 for state committee members and in 52:2 for ward and town committee members and are the same as required by 53:48 for candidates whose names appear on the state primary ballot. An enrollment certificate is not required for presidential preference candidates.

- candidate's statement of public office: This statement appears only on Form E2-C for state committee as provided by 53:70D.

- political designation: Space for political designation does not appear on any of the three forms. 53:45 requires that the political party appear on the papers. 53:8 requiring political designation to appear on nomination papers applies only to state election nomination papers used by minor party or unenrolled candidates.

- committee of 5 registered voters: The committee of 5 voters who fill vacancies applies only to state election nomination papers for governor and lieutenant governor. [53:8]

4. Providing Nomination Papers

Upon request, the state secretary must provide nomination papers for use by presidential primary candidates [53:70E], for use by state committee and by ward and town committee candidates [53:70D].

If the Elections Division has sent Form E2-C, state committee nomination paper, to your office, it should be provided upon request. If you do not have such papers, refer the person to a nearby city or larger town or to the Elections Division.

The town clerk should provide Form E2-B, town committee nomination paper, to any person who requests it as soon as it is available, early in August of the year prior to the presidential primary.

In some towns, the town clerk notifies the chairmen of the two political party town committees when the forms have been received from the Elections Division.

Blank forms should be provided. The candidates are responsible for entering the required information. There are no restrictions in the General Laws as to who may obtain blank nomination papers forms or as to how many may be obtained. They may be provided by mail, if requested.

5. Material Provided with Nomination Papers

   a. voting list and street list [51:6,55,58; 1986:402; 53:37]

   A free copy of the voting list and street list should be provided to candidates running in the presidential primary the same as for candidates running in the state primary or election. (see II. B. 5. a. voting list and street list on page 218)

   b. information for candidates

   The state secretary prepares a flyer for each type of nomination paper, yellow for presidential preference, green for state committee and white for ward and town committee. These flyers contain information on filing dates, where nomination papers are available, number of signatures required, certification of signatures, etc.

   One copy of each flyer is sent to each city and town clerk. They may be duplicated and provided upon request.

   If you receive a request for information not contained in the flyers or in this manual, refer the person to the Elections Division, 617-727-2828, 1-800-462-8683, or call the Elections Division yourself while the person is in your office. Do not attempt to answer such questions without assistance.

   c. campaign finance information and reports

   Candidates running in a presidential primary are not covered by Chapter 55, The Campaign Finance Law, and are not required to file reports. Campaign finance information is not prepared for these candidates.

d. statement of financial interest

The requirements of Chapter 268B with respect to statements of financial interest do not apply to candidates in a presidential primary.

6. Collecting Voters' Signatures

Collecting voters' signatures is the responsibility of the candidate. Information concerning signature requirements is included in the flyers prepared by the Elections Division and is outlined below.

a. number of certified signatures required [53:70D, 70E]

The number of certified signatures required on presidential primary nomination papers depends upon the office as follows:

- presidential preference: 2,500 [53:70E]
- state committee: 50 [53:70D]
- ward or town committee: 5 [53:70D]

b. who may sign [53:46]

The nomination papers for all offices in a presidential primary may be signed only by voters enrolled in the same political party as that appearing at the top of the paper or not enrolled in any other political party.

In addition, the nomination papers of candidates for state committee may be signed only by voters registered in the state senatorial district for which the nomination is made and the nomination papers of candidates for town committee may be signed only by voters registered in the town.

In order to have his signature certified, a signer must be a registered voter and enrolled in the appropriate political party or unenrolled at the time nomination papers are being processed. [Regs. 55.02(3)]

NOTE: A state or town committee candidate may sign his own papers in support of his nomination. A presidential preference candidate, who is a registered voter in Massachusetts, may sign his own papers.

c. number of papers which may be signed [52:9; 53:45,70D; Regs. 55.03(1)(g)]

A voter may sign as many nomination papers for each office as there are persons to be nominated therefor or elected thereto and no more. [53:45]

NOTE: 53:70D states that the provisions of 53:45 shall apply to the nomination papers of all candidates to be voted for at presidential primaries, except that only candidates for state committee may use the 8 word statement.

With respect to presidential preference, a voter may sign a nomination paper for one candidate.

With respect to state committee, state committee man and state committee woman are considered two separate offices. A voter may sign a nomination paper for a candidate for each office.

With respect to town committee, a voter may sign only one nomination paper if the names of the maximum permitted number of candidates appear on the front of the paper. Note that the maximum number in a given town is not always 35. The number of members must be fixed by the town committee at not less than 3 nor more than 35. Notice of the number must be given to the state secretary on or before August first of the year preceding the presidential primary. If the committee fails to fix the number or to notify the state secretary, the number of committee members to be elected shall be the number last so fixed or assigned. [52:9] If you are uncertain about the number of members to be elected, contact the Elections Division.

If the names of less than that permitted number of town committee candidates appear on the nomination paper, a voter may sign that paper and additional papers as long as the total number of candidates for whom he signs does not exceed the permitted number.

d. other information

The procedures to be used are the same as in II. Nominations for Federal, State and County Office under the items shown in the following:

- voter to sign in person, B. 6. d. page 222.
- form of signature, B. 6. e. page 223.
- voter's address, B. 6. f. page 223.
- ward and precinct, B. 6. g. page 223.
- where to collect signatures, B. 6. h. page 223.

e. penalty [56:11]

The penalty on whoever unlawfully signs a nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year. [56:11]

7. Submitting Nomination Papers to Registrars [53:7,46]

After the signatures have been collected, each nomination paper must be submitted to the registrars of the city or town where the signers appear to be voters. If the city or town has an election commission, nomination papers should be submitted to that commission.

The procedures outlined under II. B. 7. a. where to submit on page and b. who must submit on page 224 apply to presidential primary nomination papers.

The deadline for submitting papers to the registrars is specified in 53:46. All nomination papers must be submitted on or before 5:00 P.M. on the last day for submission. The last day for submitting nomination papers to the registrars is a certain number of days before the last day to file papers with the state secretary and the specific number of days is different depending upon the office as follows:

- presidential preference nomination papers: on or before the 14th day before the last day to file with the state secretary.

- state, ward and town committee nomination papers: on or before the 11th day before the last day to file with the state secretary.

(see II. C. 11. Filing Nomination Papers with the State Secretary on page 249)

8. Receiving Nomination Papers

The procedures outlined under II. B. 8. Receiving Nomination Papers on page 225 apply to presidential primary nomination papers. Note, however, that district appears only on state committee nomination papers and the district entered must be the state senatorial district in which your town is located. Also note that some towns are divided between senatorial districts and the addresses of at least most of the signers should be in the appropriate precincts.

9. Processing Nomination Papers [53:7,46]

The procedures outlined under II. B. 9. Processing Nomination Papers on page 227 apply to presidential primary nomination papers except as outlined below.

a. voting list

Presidential primary nomination papers must be processed in November or December of the year preceding the presidential primary. The voting list to be used in processing signatures should be the most recent printed voting list and the supplementary lists prepared since that voting list was printed. These lists should be updated, including party enrollment, as of the time nomination papers are processed.

b. certifying signatures [53:46]

With respect to nomination papers of candidates for state, ward and town committee only, the registrars shall hold meetings on the four Tuesdays next preceding the 4th day before the final day for filing papers with the state secretary. The fifth Tuesday shall be substituted for any Tuesday on which any city or town holds its local election. However, formal registrars' meetings for the purpose of certifying signatures are not held in many towns. (see II. B. 9. e. certifying signatures on page 228)

c. deadline for certification [53:46]

The deadline for certifying signatures on nomination papers depends upon the office as follows:

- presidential preference: not later than the 7th day before the last day for filing papers with the state secretary.
- state, ward and town committee: not later than the 4th day before the last day for filing papers with the state secretary.

d. candidate's enrollment certificate [53:48,70H]

An enrollment certificate appears only on state, ward and town committee nomination papers. The certificate on state committee nomination papers should be completed the same as that on state primary nomination papers. (see II. B. 9. g. (1) candidate's enrollment certificate on page 230)

The candidate's enrollment certificate appears at the bottom on the front of ward and town committee nomination papers. The registrars must determine whether or not each candidate listed above the certificate has the required qualifications. The qualifications and procedures to be used are the same at outlined for state primary candidates under II. B. 9. g. (1) candidate's enrollment certificate on page 230.

For each candidate found qualified, a check mark should be made in the column entitled CHECK opposite the candidate's name. For each candidate found not qualified, one of the symbols used to designate rejected signatures may be entered. For example, if the candidate is not a registered voter, enter N. If he is or has been enrolled in the other party, enter D or R as appropriate. If the candidate is not enrolled, does not meet the 90 day enrollment requirements or is a new voter but did not enroll at the time he registered, E may be entered.

If a candidate's name must be rejected, the column should not be left blank since an unauthorized person could easily enter a check mark.

The certificate relates only to those candidate's opposite whose names a check mark has been made.

e. correct candidates' names and addresses
(ward and town committee papers only)

If a candidate's name on the nomination paper is not in the same form as he is registered or if it is illegible, the registrars should clearly print the correct name using red ink directly above so that the ballot will be correctly printed. The candidate does not need to appear at the office to make the correction in this case. (see instructions in NOTE under enrollment certificate on Form E2-B)

Illegible or abbreviated addresses should also be corrected the same as outlined above.

In some towns, the town committee secretary prepares the nomination paper for incumbent members who wish to run for re-election. The names and addresses are typed on the paper in columns I and II. To insure that the candidate's names and addresses are correct, the secretary should refer to a voting list when entering the information.

f. review of non-certified signatures [55B:6]

The procedures for review of non-certified signatures outlined in this chapter under II. B. 9. i. review of non-certified signatures on page 233 apply only to the presidential primary nomination papers of candidates for president.

There is no provision in the General Laws for a review of non-certified signatures on state or ward and town committee nomination papers. However, the registrars probably may correct mistakes made during the certification process if there is time before the filing deadline.

g. public records [4:7(26); Chapter 66; Public Records Access Regulations 950 CMR 32.00]

Nomination papers are public records and open to public inspection when they are submitted to the registrars and during the time the signatures are being processed. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. i. public records on page 164)

10. Guidelines for Signature Certification [53:7; Regs. 55.03]

The guidelines for certifying signatures on presidential primary nomination papers are the same as outlined under NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification on page 174.

11. Filing with the State Secretary [53:45,46,48]

The procedures for filing presidential primary nomination papers with the state secretary are the same as outlined under B. 11. Filing with the

State Secretary on page 236, except that the following filing deadlines apply.

- state or ward and town committee: on or before the third Tuesday in November of the year preceding the presidential primary. [53:48]

- presidential preference: on or before the first Friday in January preceding the presidential primary. [53:48]

In addition, the certificate of enrollment must be filed only with state or ward and town committee nomination papers.

Each candidate must sign on at least one of the nomination papers for a given office to indicate acceptance of the nomination and be certain that paper is filed.

If a town committee candidate has accepted the nomination for that office more than once, he must file a withdrawal from all but one or his name will not appear on the presidential primary ballot. [53:45] For example, a candidate's name may appear on the paper prepared for incumbent members and on the paper of a second slate of candidates or on an individual paper. He must withdraw from all but one nomination.

If the nomination papers have not yet been filed with the state secretary, the notarized withdrawal request may be attached to a slate nomination paper. Or, if his name appears on an individual paper as well as the slate, he may simply not file the individual paper.

If the nomination papers have already been filed, the notarized withdrawal should be filed separately with the state secretary within 72 hours following 5:00 P.M. of the last day for filing nomination papers. [55B:5]

However, a person may be a candidate both for town committee and for state committee and file papers for both offices. Candidates for membership on political committees are specifically excluded from the prohibition that no person shall be a candidate for nomination for more than one office. [53:46, last sentence]

12. Withdrawal from Nomination [53:11,13; 55B:5]

The procedures outlined under II. B. 12. Withdrawal from Nomination on page 239 apply to withdrawing from nomination for a presidential primary. The deadline is the same, 72 hours following 5:00 P.M. of the last day for filing nomination papers. (see II. C. 11. Filing with the State Secretary on page 249)

D. CERTIFICATES OF NOMINATION

Prior to 1973, nominating conventions of political parties were held under 53:54-54D to nominate candidates for statewide office. Following these conventions, certificates of nomination were completed and filed with the state secretary to place the names of candidates on the state primary ballot. However, 1973:429 repealed 53:54-54D and all candidates running in the state primary must now file nomination papers.

The General Laws still contain 53:17A providing for a convention of ward and town committees in a state senatorial district for the purpose of endorsing candidates for election to membership on the political party state committee from the district. Following such a convention, a certificate of nomination would be filed with the state secretary to place the candidate's name on the presidential primary ballot. The candidate must file his written acceptance but he would not need to file nomination papers. This provision of the General Laws has not been used for many years.

NOTE: The state Democratic party charter calls for an additional one state committeeman and one state committeewoman to be chosen in each senatorial district by caucus. For information contact the State Democratic Committee, 11 Beacon Street, Boston, 02108, 617-367-4760.

E. NOMINATIONS TO FILL VACANCIES (see also *Vacancies in Elective Office* in the ELECTION RESOURCE HANDBOOK available from the Elections Division)

1. State Primaries

a. vacancy before primary [53:5,49,50; 54:47]

A vacancy in an office to be voted for in a state primary may be filled only if there is no other candidate for that political party nomination for that office. [53:49]

For state-wide offices, the vacancy may be filled by the political party state committee. For other offices, the vacancy may be filled by the members of the ward and town committees of the cities and towns in the district. [53:49] The one person-one vote principle might require that the votes of each ward or town committee be appropriately weighted. Related provisions may also appear in the state committee charters.

If the vacancy is caused by withdrawal, the certificate of nomination to fill the vacancy must be filed with the state secretary within 72 weekday hours following 5:00 P.M. of the last day for filing withdrawals. No vacancy caused by withdrawal may be filled before the withdrawal is filed. [53:50]

If the vacancy is caused by death, disability or ineligibility, the certificate of nomination to fill the vacancy must be filed within 48 weekday hours following 5:00 P.M. of the day on which the committee meeting or caucus was held. [53:5] The name of the new candidate nominated shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new name shall, when practical, be substituted. [54:47]

b. vacancy occurs after primary [53:14,15,50,53A; 55B:5]

(see sample certificate of nomination form on page 322)

A candidate nominated at a primary may withdraw from nomination by filing a notarized request with the state secretary within 6 days after 5:00 P.M. of the day of the primary. [53:53A; 55B:5]

If a candidate withdraws from nomination, or dies or is found ineligible, the vacancy may be filled as follows: [53:14]

- state-wide office: by the political party state committee
- office in a district containing one or more wards within one city: by the members of the ward committee or committees of the district
- office in a district containing one town: by the members of the town committee in that town
- other district office: by delegates chosen by and from the members of the ward and town committees in the district. Each committee must choose delegates from its members, not more than one delegate for 500 votes, or fraction thereof, cast in the ward or town for the party candidate for governor in the last state election. The ward and town committees must notify the state secretary of the delegates chosen. The meeting of delegates is called by a delegate chosen by the chairman of the state committee and the vacancy is filled at the meeting.

A certificate of nomination must be filed with the state secretary.

If the vacancy is caused by withdrawal, the certificate must be filed within 72 weekday hours after 5:00 P.M. of the last day for filing withdrawals. [53:14] No vacancy caused by withdrawal may be filled before the withdrawal is filed. [53:50]

If the vacancy is caused by death or ineligibility, the certificate of nomination must be filed within 72 hours following 5:00 P.M. of the day on which the meeting to chose a new candidate was held. [53:5] Note that a vacancy caused by death or ineligibility can be filled only if there is sufficient time to have the new candidate's name printed on the ballot. [54:47]

If a vacancy is caused by a tie vote in the primary, the vacancy must be filled by choosing one of the candidates who received the tie vote. If the tie is between candidates for a state-wide office, the candidate is chosen by the state committee. If the tie is between candidates for other offices, the candidate is chosen by the members of the ward and town committees in the district for which the nomination is made.

NOTE: The Elections Division does not require that the new nominee file an enrollment certificate with the certificate of nomination.

2. State Elections

A minor party or unenrolled candidate who runs in the state election, may withdraw from nomination by filing a notarized request with the state secretary within 72 weekday hours after 5 P.M. of the last day for filing nomination papers. [53:11,13; 55B:5]

A vacancy caused by the withdrawal, death or ineligibility of a minor party or unenrolled candidate may not be filled except for the office of governor or lieutenant governor. [53:14] For that office, the vacancy may be filled by vote of the committee of five voters whose names appear on the original nomination papers filed by those candidates.

A certificate of nomination must be filed with the state secretary.

If the vacancy is caused by withdrawal, the certificate must be filed within 72 weekday hours after 5 P.M. of the last day for filing withdrawals. [53:14]

If the vacancy is caused by the death or ineligibility of the candidate, the certificate of nomination must be filed within 72 hours following 5:00 P.M. of the day on which the committee meeting was held. [53:5] Note that such a vacancy can be filled only if there is sufficient time to have the new candidate's name printed on the ballot. [54:47]

A certificate of registration for the new nominee is technically required and such a certificate may be requested from the registrars. In that case, the procedures outlined under II. B. 9. g. (2) candidate's certificate of registration on page 231 should be followed.

3. Presidential Primaries [52:4; 53:49,70G]

There is no provision in the General Laws for filling a vacancy with respect to presidential candidates in presidential primaries.

If there is a vacancy caused by withdrawal, death or ineligibility of a candidate for state committee, the vacancy may be filled only if there is no other candidate for that office in that political party. The members of the ward and town committees of the state senatorial district for which the nomination was made may fill the vacancy. [53:49,70G]

If there is a vacancy caused by withdrawal, death or ineligibility of a candidate for ward or town committee, the vacancy may not be filled. However, the committee members elected at the primary may vote to add members to the committee up to the maximum permitted number. [52:4]

A vacancy in the state, ward or town committee caused by a tie vote at the presidential primary must be filled by choosing one of the candidates receiving the tie. Such a vacancy in the state committee is to be filled by the members of the wards and town committees in the district in which it exists. Such a vacancy in a ward or town committee is to be filled by the members elected. [53:70G]

4. Public Records [4:7(26); 53:16; 66:10; Public Records Access Regulations 950 CMR 32.00]

A certificate of nomination to fill a vacancy, when filed, shall, under proper regulations, be open to public inspection. [53:16] Certificates may be inspected at the Elections Division.

5. Retention Period [53:16]

The state secretary shall preserve certificates of nomination in his office for one year.

6. Penalty [56:11]

The penalty on whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses or unlawfully signs a certificate of nomination, or files any such certificate knowing the same to be falsely made or altered is a fine of not more than $1,000.00 or imprisonment for not more than one year.

F. OBJECTIONS

When certificates of nomination, nomination papers and withdrawals have been filed with the state secretary and are in apparent conformity with the law, they shall be valid unless written objections are made. [53:11] The procedures to be used for objections to a certificate of nomination, nomination papers and withdrawals related to state primaries and elections and presidential primaries are specified in Chapter 55B of the General Laws and in the State Ballot Law Commission Regulations 950 CMR 59.00.

If you receive a request for detailed information concerning objections to state nomination papers, recommend that the person consult a lawyer and the Elections Division. You may provide the person with a copy of the pertinent sections of the General Laws, a copy of the State Ballot Law Commission Regulations and the information outlined in this manual. Do not attempt to give advice.

NOTE: The State Ballot Law Commission has no jurisdiction in disputes between candidates and registrars related to the registrars' actions in not certifying certain signatures on nomination papers. It has jurisdiction only if apparently valid nomination papers were filed. (see 53:11 and McCarthy v. Secretary of the Commonwealth (1977) 359 N.E.2d 291; 371 Mass. 667)

The procedures to be used for objections to state nomination papers, certificates of nomination and withdrawals are outlined below.

1. Filing Objections

a. form

The form to be used for filing objections is not specified in the General Laws. However, the State Ballot Law Commission has a suggested form to be used. This form is not required to be used as long as the objection contains the required information. (see sample suggested form on pages 323 and 324)

b. contents [55B:5]

The information required to be included in the objection is the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, E. 1. b. contents on page 203, except that the candidate's name added to the nomination papers after voters' had signed would not be likely to appear as grounds for objection. However, other grounds might be that the candidate had not fulfilled residence, age or party enrollment requirements or that a candidate for attorney general or district attorney was not a member of the Massachusetts bar. (see chart on page 311)

NOTE: If the objection involves the validity of signatures, the person filing it must file with the State Ballot Law Commission and deliver to the challenged candidate, a list of all challenged signatures showing the page and line where each is located. The list must be filed and delivered no later than the third weekday before the date of the hearing shown in the state secretary's notice.

c. filing fee [55B:5]

An objection must be accompanied by a nonreturnable fee of $25.00. However, the fee will be returned if the State Ballot Law Commission declines jurisdiction.

d. who may file [55B:5]

An objection may be filed by any registered voter of the district in which the candidate was nominated. For example, a person objecting to the nomination papers of a candidate for state representative must be a registered voter in the same representative district. An objection to the nomination papers of a candidate for state-wide office may be filed by any registered voter in the commonwealth.

There is no requirement that the objector be enrolled in the same party as the candidate whose nomination papers are being challenged.

e. certificate of voter registration [55B:5]

The objection must be accompanied by a certificate of the objector's voter registration issued by the board of registrars or its clerk where the objector resides. The certificate must be substantially in the form shown in 55B:5.

SAMPLE CERTIFICATE

Commonwealth of Massachusetts
Certificate of Voter Registration

We hereby certify that________________________,
(name of voter)

residing at ________________________________,
(street, #, precinct #)

is a registered voter.

Signature________________________
Clerk of Board of Registrars of Voters
Town of [name]

Before issuing such a certificate, check the voter registration records to be certain that the objector is a voter in your town and, in towns having precincts, check the precinct in which he is registered. The form regularly used in your town for registered voter certificates may be used for the purpose, provided it contains the voter's street address and precinct number, if any. The precinct number is needed for objections to a district candidate's papers to show that the objector is registered in the same district.

f. with whom filed [53:11; 55B:5; Regs. 59.01(3)(c)]

Objections must be filed with the state secretary. [53:11; 55B:5] They may be sent by mail or delivered in person. However, the objection is not considered filed until it is received by the state secretary. [Regs. 59.01 (3)(c)]

The objection may be filed with the state secretary by delivering or mailing it to the Elections Division, One Ashburton Place, Room 1705, Boston 02108.

g. deadline for filing [55B:5]

Objections must be filed within 72 hours after 5:00 P.M. of the last day for filing nomination papers or withdrawals. (see II. B. 11. d. deadline for filing on page 237, B. 12. Withdrawal from Nomination on page 239, and C. 11. Filing with the State Secretary on page 249)

NOTE: Candidates challenging the certification of signatures on their own nomination papers must request a review under 55B:6. (see II. B. 9. i. review of non-certified signatures on page 233) If a review is not permitted by 55B:6, the candidate may appeal to the court.

h. copy of objection [55B:5]

The objector must mail a copy of the objection to each candidate against whose nomination papers the objection is filed. The copy must be mailed, registered or certified, return receipt requested, not later than the time it is filed with the state secretary. Failure to mail the copy will invalidate the objection.

NOTE: 55B:5 and Regulations 950 CMR 59.02(4)(a) state that the copy must be mailed not later than the day after it is filed with the state secretary. However, Standard Adjudicatory Rules of Practice and Procedures, 801 CMR 1.01(5)(f) incorporated into the Regulations requires that the copy be mailed simultaneously with the filing of the objection and this schedule should be used.

The objector must also hand-deliver or mail a copy of the objection to every other party in the case. [Regs. 801 CMR 1.01 (5)(f)] The parties in the case include the candidates for the same office and, for an objection to primary nomination papers, the state political party committees.

2. Procedures

a. state secretary to forward objection [55B:5]

The state secretary must forward objections filed with him under 55B:5 to the state ballot law commission.

b. notice [55B:8, Regs 59.02(4)]

The state secretary, acting as secretary to the state ballot law commission, must notify all parties affected that an objection to the nomination papers has been made. The deadline for notification is 5:00 P.M. of the Wednesday after the last day to file objections. The notice must be mailed, registered or certified, return receipt requested, to the candidates' residences as given in the nomination papers. It must contain in detail the objections made, the date, time and location of the hearing and the rules or procedure that will be used in conducting the hearing. [55B:8] The state secretary must also make a reasonable attempt to notify all parties by telephone. [Regs. 59.02(4)]

The General Laws do not specify a deadline for notice with respect to certificates of nomination or nomination papers for special state primaries or elections. The notice is sent as soon as possible after receipt of the objection.

c. hearing [55B:9; 1988:296]

The hearings on objections, except for special primaries or elections, shall not be held prior to the second Monday following the last day for filing objections.

At the hearing, all parties will have the opportunity to present evidence to the commission, call and cross-examine witnesses under oath, introduce documentary evidence and present arguments of law.

The board of registrars may be summoned to appear and testify at the hearing and to bring records showing the candidate's or a signer's residence, party, date of registration, etc. Sometimes the documents requested in the summons will be *all voter registration, party enrollment and census records on file in the registrars office* or words to that effect. In that case, since it would be extremely difficult to bring all such records and it is likely that they are not needed, contact the lawyer named in the summons to determine what specific records he needs. He may need only a certified copy of an affidavit of registration, a party enrollment record or a voting list.

d. decisions [55B:10]

The state ballot law commission must render a decision with respect to certificates of nomination or nomination papers for a presidential or biennial state primary or biennial state election not later than 5:00 P.M. on the 21st day after the last day to file objections. The commission must render its decision with respect to certificates of nomination or nomination papers for a special state primary or election not later than 5:00 P.M. on the 4th day after the last day to file objections.

A copy of the written decisions will be mailed to all parties in the case.

NOTE: Procedures used by the state ballot law commission appear in its regulations, 950 CMR 59.00, as well as in Chapter 55B, G.L.

3. Record of Decision [55B:12]

The state ballot law commission must keep a record of all decisions and an official transcript of all proceedings of hearings. These documents shall be stored in the public records division of the state secretary. Upon written request, the commission shall provide any person appealing its decision with a copy of the transcript of the hearing pertaining to his case.

4. Public Records [4:7(26); 53:16; 55B:12; 66:10; Public Records Access Regulations 950 CMR 32.00]

Objections to certificates of nomination and nomination papers when filed, shall, under proper regulations be open to public inspection. [53:16] All records and transcripts of the state ballot law commission shall be open to the public. [55B:12]

Requests for inspection of objections and decisions should be referred to the Elections Division, One Ashburton Place, Room 1705, Boston 02108

5. Retention Period [53:16]

Objections to certificates of nomination or nomination papers must be kept by the state secretary in his office for one year. However, the records are kept indefinitely and are complete since 1970. These records have been indexed.

6. Appeals to Court [55B:4]

A person aggrieved by the decision of the state ballot law commission may appeal the decision to court. An appeal must be filed in the court within 5 days after receipt of the notice of the final decision. Usually the objector or the challenged candidate is the only person who would appeal a decision, but other parties to the case may appeal.

III. NOMINATIONS FOR CHARTER COMMISSION

A. GENERAL

Provisions for nominating county charter commission members for all counties except Barnstable were inserted into the General Laws by 1985:807 which created new Chapter 34A, the County Procedures Act. Provisions for nominating charter commission members for Barnstable County were provided by 1985:801. These two 1985 acts also contained the provisions related to adopting and revising county charters. (see PETITIONS, II. E. COUNTY CHARTER PETITIONS on page 352)

Provisions for nominating town charter commission members were inserted in the General Laws by 1966:734 which created a new Chapter 43B, the Home Rule Procedures Act. This act resulted from the adoption of Amendment Article 89, The Home Rule Amendment, of the Massachusetts Constitution at the 1966 state election. Chapter 43B also contains the provisions for adopting and revising town charters. (see PETITIONS, III. C. TOWN CHARTER PETITIONS on page 366)

The Regulations, 950 CMR 55.00: Certification of Nomination Papers and Petitions, promulgated by the state secretary also apply to charter commission nomination papers.

B. NOMINATION PAPERS

Nomination of both county and town charter commission members must be made by nomination papers. The nomination of commission members is made only if a question related to the adoption or revision of the charter is to appear on the ballot.

1. County Charter Commission Nomination Papers

a. preparation [34A:5(B); 1985:801,5(B); 53:17]

Blank nomination paper forms are prepared by the state secretary. The forms are available upon request at the Elections Division, Room 1705, One Ashburton Place, Boston, 02108. In addition, a supply of blank forms is sent by the Elections Division to the clerk's office in some cities and towns in counties other than Barnstable. A supply of blank forms is sent to all town clerks in Barnstable county.

b. format (see sample form on pages 325 and 326)

The state secretary prepares one type of form for use in all counties. It is about 11" X 17," white with black printing. There is no form number.

c. contents [34A:5(B),6(A); 1985:801,5(B),6(A); 53:8,45]

The form contains the same information related to a candidate as is required on state primary and election nomination papers and outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 3. Contents on page 214, except that no 3 word political designation provided for by 53:8 and no party required by or 8 word statement of public office permitted by 53:45 may appear on the forms. [34A:5(B); 1985:801,5(B)]

Note that spaces for district (district number or at large) are included since, in counties having over 50,000 inhabitants, candidates are elected either at large or by a district or both. [34A:6(A)] These items are not applicable in Barnstable County since candidates are elected by town only. [1985:801,6(A)]

The form also contains instructions to candidates, signers and registrars, deadlines for submission to registrars and for filing with the state secretary, the required candidate's certificate of registration and registrars' certification of signatures.

d. providing nomination papers

Blank nomination paper forms are provided by the Elections Division. In addition, they may be provided by the town clerks to whom they have been sent.

There are no restrictions as to who may obtain the nomination papers. They may be provided to any person who requests them. In addition, there are no limits in the laws on the number of blanks forms which may be provided.

e. material provided with nomination papers

(1) voting list and street list [34A:5(B); 1985:801,5(B)]

Upon request, the clerk of each city or town in the county, except Barnstable, shall furnish to each candidate for charter commission one free copy of the list of registered voters of the city or town and one copy of the list of residents (street list) as provided in 51:6. The lists must be furnished to all candidates, at large and for every district, if applicable.

The free copy of each list must be provided whether or not you have provided nomination papers.

In Barnstable County, the clerk of each town must furnish the voting and street list only to the candidates from his own town.

(2) information for candidates

A copy of a white flyer prepared by the Elections Division containing information for candidates on filing dates, where nomination papers are available, number of signatures, certification of signatures, etc. is sent to town clerks. This flyer may be reproduced and provided to candidates.

If you receive requests for information not included in the flyer or in this manual, refer the person to the Elections Division, 617-727-2828, 1-800-462-8683 or call the Elections Division yourself while the person is in your office. Do not attempt to answer such questions without assistance.

(3) campaign finance information and forms [Ch. 55]

Candidates for charter commission are seeking election to public office and therefore are candidates under The Campaign Finance Law. [Advisory Opinion of Office of Campaign and Political Finance, #AO-83-12] Candidates for county charter commission appear on a state election ballot and must file reports and statements with the Office of Campaign and Political Finance, One Ashburton Place, Room 1005, Boston 02108, 617-727-8352. If you receive requests for information refer the person to that office since the provisions of law related to these candidates are different from those related to town election candidates.

(4) statement of financial interest [53:9; 268B:1,5]

No nomination papers of a candidate for public office, as defined by Chapter 268B, shall be accepted by the state secretary nor be valid unless accompanied by a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed. Candidates for county charter commission are subject to Chapter 268B.

If you receive requests for information concerning the required statement of financial interest, refer the person to the State Ethics Commission, Room 1413, One Ashburton Place, Boston, 02108, 617-727-0060

f. collecting voter's signatures

(1) number of signatures required [34A:5(B); 1985:801,5(B)]

In counties other than Barnstable, 300 certified signatures are required for nomination as an at large commission member and 150 certified signatures are required for nomination as a district commission member.

In Barnstable County, 20 certified signatures are required.

(2) who may sign nomination papers

Except in Barnstable County, any voter registered in the county may sign the nomination paper of a candidate for commission member at large. For district commission member, the signer must be a registered voter in the county and in the district for which the nomination is made.

In Barnstable County, a signer must be registered in the same town as the candidate since one charter commission member is elected by and from the registered voters of each town. [1985:801,6(A)]

(3) number of papers which may be signed [34A:6(A); 1985:801,6(A); 53:7]

Every voter may sign as many nomination papers as there are persons to be elected to the office. [53:7]

In counties other than Barnstable, 15 commission members shall be elected at large or individually by districts or both depending upon the population of the county as follows: [34A:6(A)]

- less than 50,000 inhabitants: all 15 members are elected at large. Each voter may sign nomination papers for 15 candidates.

- 50,000 but less than 200,000 inhabitants: 5 members are elected at large and 10 members by districts. A voter may sign papers for 5 at large candidates and for one candidate to be nominated in the district in which the voter is registered.

- over 200,000 inhabitants: all 15 members are elected by districts. Each voter may sign papers for one candidate to be nominated in the district in which the voter is registered.

NOTE: Not later than June first of the year in which charter commission members are to be elected, the state secretary is to determine the districts by dividing the county into districts of contiguous territory so that each representative (commission member) shall represent an equal number of inhabitants, as nearly as may be. No town of less than 6,000 inhabitants may be divided. [34A:6(A)] Population is to be determined from the latest federal or state census. [34A:6(B)]

In Barnstable County, 15 commission members shall be elected, one member elected by and from the registered voters of each town. Each voter may sign the paper of one candidate to be nominated in the town in which the voter is registered. [1985:801,6(A)]

The signer's party enrollment is immaterial. Nomination papers may be signed by Democrats, Republicans and unenrolled voters.

(4) voter's signature and address [53:7]

The requirements of 53:7 with respect to a voter's signature and address as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 6. d. voter to sign in person, and e. form of signature on page 153 and f. voter's address on page 154 apply to nomination papers for county charter commission members.

(5) ward and precinct

The column entitled WARD and PRECINCT are provided for the registrars' convenience. The voter in a city may enter his ward and precinct number and the voter in a town divided into precincts may enter his precinct number or letter, but such entries are not required.

(6) where to collect signatures [53:7]

See NOMINATIONS FOR TOWN OFFICE, B. 6. h. where to collect signatures on page 155.

The candidate should collect signatures on a given nomination paper in only one city or town. Signatures may not be certified on nomination papers from more than one city or town per sheet.

(7) penalty [56:11]

The penalty on whoever unlawfully signs a nomination paper is a fine of not more than $1,000.00 or imprisonment for not more than one year.

g. submitting nomination papers to registrars [53:7]

The procedures for submitting county charter commission nomination papers are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B.

7. Submitting Nomination Papers to Registrars on page 223. Note that the specific date of the submission deadline is the same for all candidates for county charter commission, the 28th day prior to the last day for filing papers with the state secretary. (see this chapter, III. B. 1. k. filing with the state secretary on page 265)

h. receiving nomination papers [53:7]

The procedures for receiving charter commission nomination papers are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 8. Receiving Nomination Papers on page 225. Note, however, that in Barnstable County, papers will be submitted only in the town from which the candidate is running since candidates run by towns instead of by districts or at large. [1985:801,6(A)]

i. processing nomination papers [53:7]

The procedures for processing county charter commission nomination papers are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 9. Processing Nomination Papers on page 227, except as follows:

The nomination papers will probably be submitted after July first so the first voting list required by 51:55, supplementary lists, if any, and records of recent registration should be used for processing signatures. For example, in 1988, the deadline for submitting papers was not until August second. However, if nomination papers are submitted before July first, the most recent printed voting list as revised, supplementary lists and records of recent registration should be used.

The nomination papers of all at large candidates should be processed using the same voting list so that it will be evident if a voter has signed more than the permitted number. The nomination papers of all the district candidates should be processed using the same voting list, but it may be a different list from that used for at large candidates. However, if your town is divided between districts, use that part of the voting list which covers only the district to which the nomination papers being processed relate. Note that a charter commission district may not be the same as the district for any other office appearing on the state election ballot.

Nomination papers must be processed and certified not later than the 7th day before the last day to file with the state secretary. 53:46 requiring registrars' meetings on the four Tuesdays preceding the certification deadline does not apply to charter commission nomination papers.

A candidate's certificate of voter registration is required to be completed by the registrars since a candidate for charter commission must be a registered voter of the county in which he is a candidate. He must also be a registered voter in the district from which he is running, if applicable. (see 34A:7) In Barnstable County, the candidate must be registered in the town in which he seeks election. [1985:801,5(A)]

The candidate's certificate of voter registration is included at the top left on the front of the nomination paper form.

j. guidelines for signature certification

The guidelines for certifying signatures on charter commission nomination papers are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification on page 174, except that c. party enrollment does not apply.

k. filing with the state secretary
[34A:5(B); 1985:801,5(B)]

In order for a candidate for county charter commission to have his name printed on the state election ballot, his nomination papers must contain the required number of certified signatures and they must be filed with the state secretary.

The procedures to be used are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 11. Filing with the State Secretary on page 235.

The deadline for filing papers is the 10th Tuesday prior to the state election in which charter commission members are to be chosen. In 1988, the filing deadline was August 30th.

l. withdrawal from nomination

Candidates for charter commission may withdraw from nomination. The procedures to be used are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 12. Withdrawal from Nominations on page 239.

m. filling vacancies [34A:7; 1985:801,7; 1988:296]

There are no provisions in the General Laws or in 1985:801 for filling vacancies in nominations caused by the withdrawal, death or ineligibility of a candidate for charter commission.

However, in counties other than Barnstable, if an elected member of the commission dies, resigns or ceases to be a registered voter of the county or of the district from which he was elected, or if there is a failure to elect any member, the remaining members of the commission shall fill the vacancy by choosing a registered voter of such county or district, respectively. [34A:7; 1988:296] In Barnstable County, the selectmen of the town from which the member was elected, or in which there was a failure to elect, fill the vacancy. [1985:801,7; 1988:296]

n. objections

Objections to nomination papers of county charter commission candidates may be made. The procedures to be used are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, F. OBJECTIONS on page 254.

o. public records [4:7(26); 53:16; 66:10; Public Records Access Regulations 950 CMR 32.00]

When nomination papers for county charter commission have been filed with the state secretary, they shall, under proper regulations, be open to public inspection. Individuals wishing to inspect filed nomination papers should contact the Elections Division, One Ashburton Place, Boston, 02108, 617-727-2828, 1-800-462-8683.

p. retention period [53:16]

The state secretary shall preserve filed nomination papers for a period of one year.

2. Town Charter Commission Nomination Papers

a. preparation [43B:5]

Blank nomination paper forms are prepared by the state secretary. The blank forms are provided by the Elections Division upon application by the town clerk. Application may be made in writing sent to Elections Division, One Ashburton Place, Room 1705, Boston 02108 or by telephone, 617-727-2828, 1-800-462-8683.

b. format (see sample form on pages 327 and 328)

The state secretary prepares one type of form, Form E258. It is about 11" X 19", white with black printing.

c. contents

The form contains the same information as a nomination paper for town office, Form E-229, except that there are no spaces for the office title, term of office, candidate for re-election, district number or name and political designation. The title of the office is printed at the top of the form and other omitted information is not applicable. (see I. NOMINATIONS FOR TOWN OFFICE, B. 3. Contents, a. town elections on page 127)

d. providing nomination papers [43B:4,5]

Nomination papers should be provided only if a petition for the adoption or revision of a town charter has been submitted and only if it contains the required number of certified signatures since otherwise, charter commission members are not elected. [43B:4] (see PETITIONS, III. C. TOWN CHARTER PETITIONS on page 377) Nomination papers may be provided as soon as the registrars have determined that a sufficient number of signatures have been certified on the petition. [43B:5]

The procedures to be used for providing charter nomination papers are the same at outlined under I. NOMINATION FOR TOWN OFFICE, B. 4. Providing Nomination Papers a. through e. on pages 132-139, except that procedures contained in those sections specifically related only to town preliminaries, primaries or political party caucuses do not apply. In addition, 43B:5 specifically prohibits the use of a political party or a political designation on charter commission nomination papers. Also, some of the information outlined under B. 4. f. preparing nomination papers for distribution on page 140 such as, entering the term of office and political designation, etc. does not apply.

If your town has accepted 53:9A, the provisions of that section do not apply to charter commission nomination papers. (see NOMINATIONS FOR TOWN OFFICES, I. B. 4. a. c. and d. on pages 132-134)

43B:5 also specifically requires that charter commission nomination papers be provided by town clerks only to the candidate or to a person authorized in writing by the candidate to obtain the forms on his behalf.

NOTE: There is no charter commission nomination paper form similar to Form E-228, the group nomination paper or blanket sheet for candidates for town office.

e. material provided with nomination papers [43B:5]

The town clerk is required to provide each charter commission candidate with a free copy of the voting list upon request. [43B:5] A free copy of the street list should also be provided.

Information for candidates may also be provided the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 5. c. information for candidates on page 149. Note however, that the required number of certified signatures for charter commission nomination papers may be different from the number of certified signatures for town nomination papers.

Candidates for charter commission are seeking election to public office and are therefore candidates under the Campaign Finance Law. [Advisory Opinion #AO-83-12] Forms and information related to The Campaign Finance Law may be provided the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 5. d. campaign finance forms and information on page 150. (see also CAMPAIGN AND POLITICAL FINANCE in Volume 6 of this series)

f. collecting voters' signatures [43B:5,6; 53:7]

The manner of signing charter commission nomination papers shall be governed by 53:7. [43B:5] The procedures to be used are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 6. Collecting Voters' Signatures on page 150, except as follows:

The required number of certified signatures is based upon the city or town population as follows [43B:5]:

- 100,000 or more inhabitants: 200 signatures
- 50,000 or more, but less than 100,000 inhabitants: 100 signatures
- 12,000 or more, but less than 50,000 inhabitants: 50 signatures
- 6,000 or more, but less than 12,000 inhabitants: 25 signatures
- less than 6,000 inhabitants: 10 signatures

The nomination papers may be signed by any voter of the town regardless of party enrollment. Since all 9 members of a town charter commission are to be elected at large, each voter may sign the papers of up to 9 candidates, but no more. [43B:6; 53:7]

g. submitting, receiving and processing nomination papers [43B:5; 53:7]

The time for submitting nomination papers to the registrars for signature certification, the manner and time for certifying signatures shall be governed by 53:7. [43B:5]

The deadline for submitting nomination papers and the procedures to be used for receiving and processing are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 7. Submitting Nomination Papers to Registrars on page 156; 8. Receiving Nomination Papers on page 158, except that 8. b. (3) error in district or precinct designation, (4) re-election or renomination, and (5) political designation do not apply; 9. Processing Nomination Papers on page 165, except that information related to party enrollment, district and precinct does not apply; and 10. Guidelines for Signature Certification, on page 174, except that c. party enrollment and d. district or precinct do not apply.

h. filing nomination papers [43B:5]

In order for a candidate for charter commission to have his name appear on the town election ballot, his nomination papers must contain the required number of certified signatures and they must be filed with the town clerk on or before the 28th day preceding the day of the election. [43B:5] Note that this deadline is the same as the deadline for filing nomination papers for town offices specified by 53:10. However, if an earlier deadline for filing nomination papers has been established under 54:103P, the earlier deadline also applies to charter commission nomination papers. (see I. NOMINATIONS FOR TOWN OFFICE, B. 11. c. changing last day for filing on page 184)

The procedures for filing town charter commission nomination papers with the town clerk are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 11. Filing Nomination Papers on page 180, except that the procedures specifically related only to town preliminaries, primaries and political party caucuses and 11. i. retention period do not apply. (see III. B. 2. m. retention period on page 270)

NOTE: 43B:5 requires that town charter commission nomination papers be filed by a responsible person. This phrase was not deleted from 43B:5 at the time it was deleted from 53:9. (see 1976:86) However, the charter commission nomination papers containing a sufficient number of certified signatures would be filed automatically following signature certification the same as town nomination papers.

i. withdrawal from nomination [53:13]

A candidate for charter commission may withdraw from nomination. The procedures to be used are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 12. Withdrawing from Nomination, a., c., d. and e. on page 187, except that the information related to town primary candidates does not apply.

j. filling vacancies [43B:7]

There is no provision in the General Laws for filling vacancies in nominations caused by the withdrawal, death or ineligibility of a candidate for town charter commission.

However, if an elected member of the commission dies, resigns or ceases to be a registered voter of the town, the vacancy shall be filled by the election of any registered voter of the town by vote of a majority of the remaining charter commission members.

k. objections [43B:5]

Objections to the sufficiency and validity of signatures on any town charter commission nomination papers as certified by the board of registrars shall be made and disposed of in the manner provided by 53:11 and 53:12, or in the manner provided by special law applicable to the town. Objections may also be made on the grounds that a candidate is not a registered voter, is a fictitious or non-existent person, etc.

NOTE: 53:12 was deleted from the General Laws by 1977:927 which added Chapter 55B governing procedures for objecting to nominations and nomination papers. However, the reference to 53:12 was not deleted from 43B:5 at that time.

The procedures to be used for objections are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, E. OBJECTIONS on page 202 unless different procedures are specified in your town's charter or special act.

l. public records [4:7(27); 66:10;
Public Records Access Regulations 950 CMR 32.00]

Nomination papers of candidates for charter commission are public records the same as nomination papers of candidates for town offices. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. i. and B. ll. h. on page 164)

m. retention period [state retention schedule #2.15]

Town charter commission nomination papers must be retained for a period of one year. Note that unlike item #2.33 for town nomination papers, item #2.15 for charter commission nomination papers is not starred in the state retention schedule and therefore, permission from the state supervisor of public records must be obtained prior to disposal.

SAMPLE

WHITE - 8½" X 14"

(FRONT)

The Commonwealth of Massachusetts

REGIONAL SCHOOL COMMITTEE NOMINATION PAPER

DATE and TIME this paper received by Registrars.

SIGNERS' CITY OR TOWN ______________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters.

The number of certified signatures on the regional school nomination papers must equal 1% of the last vote cast for governor in the district, but in no event less than twenty voters nor more than fifty. Check with your local district clerk for the exact number of signatures necessary. You may obtain these signatures anywhere in the district, but use a separate paper for each city or town.

DEADLINES

- Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m., **Tuesday, July 26, 1988.**
- Nomination papers with certified names must be filed with the district clerk of the regional school committee, by 5 p.m., **Tuesday, August 23, 1988.**
- The district clerk must certify a correct list of candidates to the State Secretary by 5 p.m., **Tuesday, August 30, 1988.**

REQUIREMENTS

For your papers to be valid you must file the following by the filing deadline with the district clerk of the regional school committee.

- a Certificate of Voter Registration (see box opposite) signed by at least three registrars must be filled out on at least one paper.
- your written acceptance (see opposite) must appear on at least one paper.

PRINT OR TYPE:

NAME OF CANDIDATE ______________________

RESIDENCE ______________________
street and no. — city or town — zip code

OFFICE ______________________
title of office

DISTRICT ______________________
exact title of district

I ACCEPT THE NOMINATION ______________________
sign on at least one paper — written signature

CANDIDATE'S CERTIFICATE OF VOTER REGISTRATION

We certify that ______________________
candidate's name as registered

is a registered voter at ______________________
candidate's address

______________________ ______________ 1988

______________________ Registrars of Voters or Election Commissioners of

______________________ ______________
city or town

____

(at least three registrars' names must be signed or stamped above)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988, you need complete only columns I and II. If you HAVE moved since January 1, 1988, you must complete columns I, II and III.

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of this district for which the nomination is made, and in accordance with the provisions of law, we make the above nomination to be voted for at the election on November 8, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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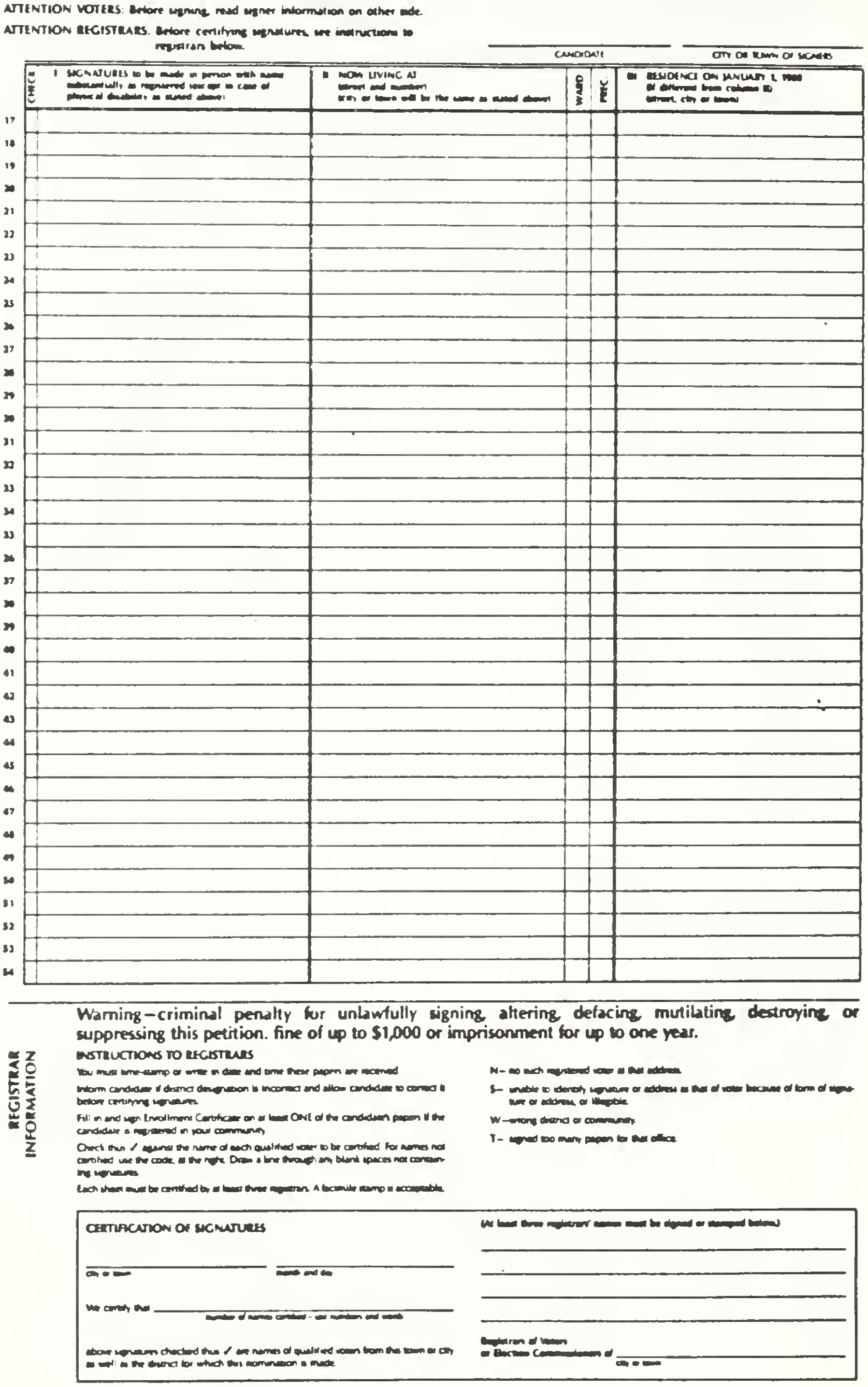
16						

SAMPLE

WHITE - 8½" X 14"

(BACK)

(Regional School Committee Nomination Paper)



ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS. Before certifying signatures, see instructions to registrars below.

CANDIDATE

CITY OR TOWN OF SIGNERS

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1980 (if different from column II) (street, city or town)
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53						
54						

REGISTRAR INFORMATION

Warning—criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition. fine of up to $1,000 or imprisonment for up to one year.

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Inform candidate if district designation is incorrect and allow candidate to correct it before certifying signatures.

Fill in and sign Enrollment Certificate on at least ONE of the candidate's papers if the candidate is registered in your community.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified use the code, at the right. Draw a line through any blank spaces not containing signatures.

Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.

N— no such registered voter at that address.

S— unable to identify signature or address as that of voter because of form of signature or address, or illegible.

W—wrong district or community.

T— signed too many papers for that office.

CERTIFICATION OF SIGNATURES

_______________ city or town

_______________ month and day

We certify that _______________ number of names certified - use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or city as well as the district for which this nomination is made.

(At least three registrars' names must be signed or stamped below.)

____

____

____

____

Registrars of Voters
or Election Commissioners of _______________ city or town

SAMPLE

FORM E-228 - WHITE - 11" X 17"

(FRONT)

E228-10M 169263-10/82

The Commonwealth of Massachusetts
TOWN NOMINATION PAPER

(TO NOMINATE ONE OR MORE CANDIDATES FOR TOWN OFFICE NOT TO EXCEED THE NUMBER TO BE ELECTED).

DATE and TIME this paper received by Registrars

TOWN OF__________________________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATES

Fill in all required candidate information prior to circulating nomination papers. Call the Town Clerk about campaign finance reporting requirements.

EACH CANDIDATE FOR TOWN OFFICE MUST OBTAIN A CERTIFICATE OF VOTER REGISTRATION FROM THE REGISTRARS OF VOTERS AND MUST FILE THAT CERTIFICATE WITH THE TOWN CLERK ON OR BEFORE THE LAST DAY AND HOUR FOR FILING TOWN NOMINATION PAPERS.

DEADLINES

Nomination papers must be submitted to the Registrars of Voters for certification of names, on or before 5 p m .

________________ ________________
day date

Nomination papers must be filed with the Town Clerk,

on or before 5 p m., ________________ ________________
day date

OFFICE TO BE FILLED	Check if candidate for re-election	TERM (years)	NAME OF CANDIDATE	RESIDENCE (street and no if any)	I ACCEPT THE NOMINATION (written signature)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered Do NOT sign nominations papers for more candidates for any office than there are positions to be filled

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence

SIGNERS' STATEMENT

We, the undersigned, are qualified voters of this town, and in accordance with the provisions of law, nominate the candidates named above for town office.

We certify that we have signed only as many nomination papers for candidates for any office as there are positions to be filled.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19 (if different from column II) (street and number, city or town)
1					
2					

SAMPLE

FORM E-228 - WHITE - 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read the signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19 (if different from column II) (street and number, city or town)
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41					
42					

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received

Fill in and sign a Certificate of Registration for each candidate

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the following code:

N — no such registered voter at that address.

S — unable to identity signature or address as that of voter because of form of signature or address, or illegible

T — signed too many papers for that office

CERTIFICATION OF SIGNATURES

We certify that the above signatures checked thus ✓ are names of qualified voters from this town ____________ 19 ___
date

____

____________ **Registrars of Voters of**

____________ ____________
town

____

(at least three registrar's names must be signed or stamped above)

SAMPLE

FORM E-229 - WHITE - 11" X 17"
(FRONT)

The Commonwealth of Massachusetts
TOWN NOMINATION PAPER

DATE and TIME this paper received by Registrars

TOWN ____________________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Call the Town Clerk about campaign finance reporting requirements.

DEADLINES

Nomination papers must be submitted to the Registrars of Voters for certification of names, on or before 5 p.m.

____________ day ____________ date

Nomination papers must be filed with the Town Clerk, on or before 5 p.m. ____________ day ____________ date

On at least ONE of the nomination papers, have the Registrars of Voters complete and sign the Certificate of Voter Registration which is printed on the other side of this paper.

PRINT OR TYPE

NAME OF CANDIDATE ____________________

RESIDENCE ____________ street and no ____________ town

OFFICE ____________ exact title of office

TERM ______ years **CANDIDATE FOR RE-ELECTION** ______ yes ______ no

POLITICAL DESIGNATION (if any) ____________ not more than three words

____

I ACCEPT THE NOMINATION ____________ written signature

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNERS' STATEMENT

We are qualified voters of this town, and in accordance with the provisions of law, nominate the candidate named above for town office.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19__ (if different from column II) (street and number, city or town)
1					
2					
3					
4					
5					
6					
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8					
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OVER

SAMPLE

FORM E-229 - WHITE _ 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read the signer information on other side.

CANDIDATE ______________________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

OFFICE ______________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19 _ (if different from column II) (street and number, city or town)
26					
27					
28					
29					
30					
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32					
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56					
57					
58					

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received

Fill in and sign Certificate of Registration at the right on at least ONE of the candidate's papers

Check thus ✓ against the name of each qualified voter to be certified

For names not certified, use the following code

- N - no such registered voter at that address
- S - unable to identify signature or address as that of voter because of form of signature or address, or illegible
- T - signed too many papers for that office

CANDIDATE'S CERTIFICATE OF REGISTRATION

We hereby certify that the above named candidate is a registered voter of this town

______________ 19 __

____

____

______________ **Registrars of Voters of**

____
town

CERTIFICATION OF SIGNATURES

(at least three registrars' names must be signed or stamped below)

____
month and day

We certify that ______________ above signa-
number of names certified

tures checked thus ✓ are names of qualified voters from this town.

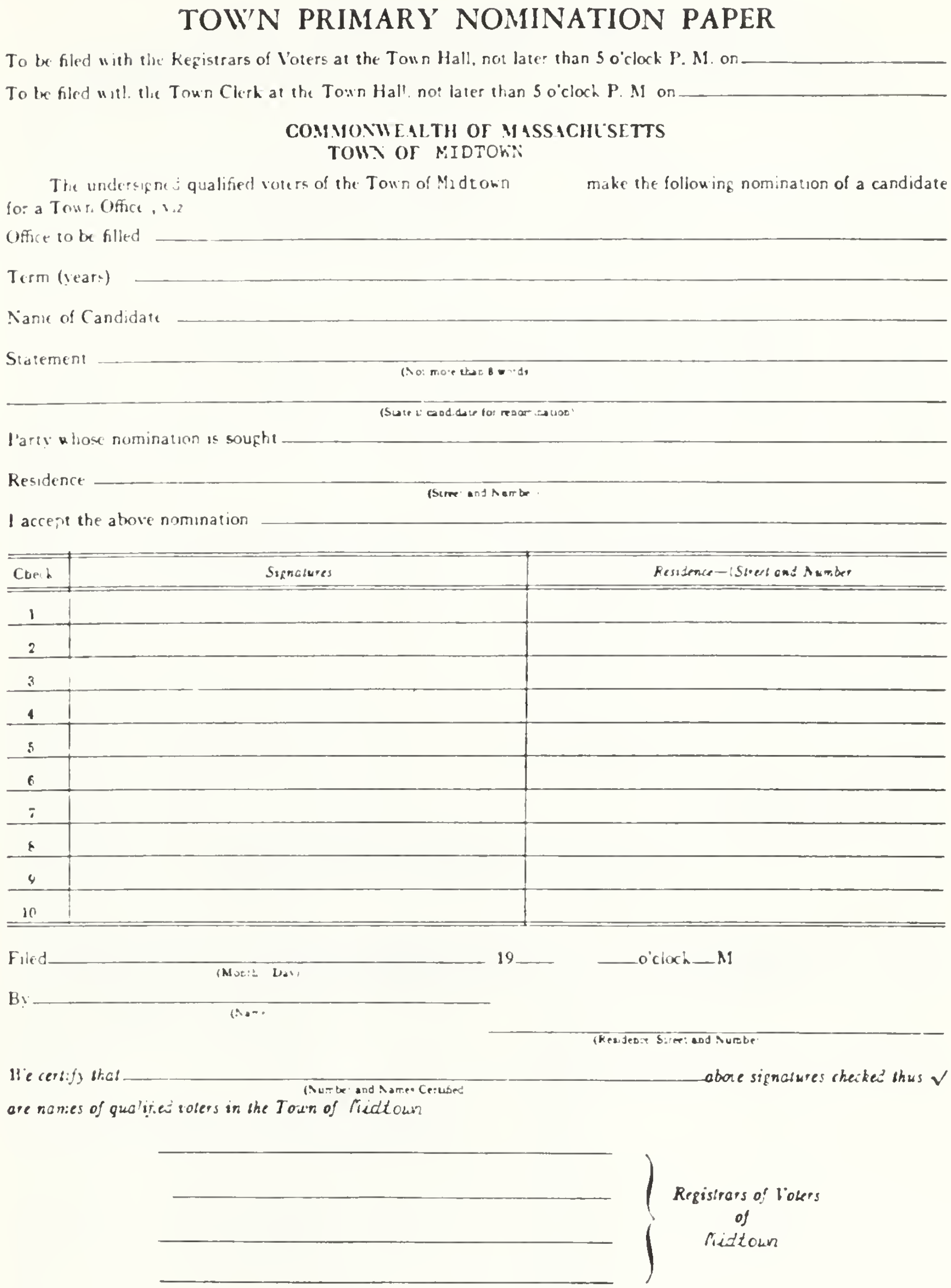
Town ______________

Registrars of Voters ______________

SAMPLE

TOWN PRIMARY NOMINATION PAPER

$8\frac{1}{2}$" X 11"



TOWN PRIMARY NOMINATION PAPER

To be filed with the Registrars of Voters at the Town Hall, not later than 5 o'clock P. M. on ____________

To be filed with the Town Clerk at the Town Hall, not later than 5 o'clock P. M. on ____________

COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDTOWN

The undersigned qualified voters of the Town of Midtown make the following nomination of a candidate for a Town Office, viz

Office to be filled ____________

Term (years) ____________

Name of Candidate ____________

Statement ____________
(Not more than 8 words)

____
(State if candidate for renomination)

Party whose nomination is sought ____________

Residence ____________
(Street and Number)

I accept the above nomination ____________

Check	*Signatures*	*Residence—(Street and Number*
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Filed ____________ 19____ ____o'clock____M
(Month Day)

By ____________
(Name)

____
(Residence Street and Number)

We certify that ____________ *above signatures checked thus ✓*
(Number and Names Certified)
are names of qualified voters in the Town of Midtown

____
____
____
____

Registrars of Voters
of
Midtown

SAMPLE
POLITICAL PARTY CAUCUS NOMINATION PAPER
FRONT

Official Nomination Paper

for

Town of **[Name]**

DEMOCRATIC PARTY

Signed nomination papers shall be filed with Secretary of DEMOCRATIC Town Committee, at **[Town]** before 5 o'clock P. M., of

19

OFFICE For Year

We hereby nominate NAME

STREET as DEMOCRATIC candidate for the above office

Signatures	Residence on Jan. 1, 19 STREET	Now living at STREET

I hereby accept the candidacy of the DEMOCRATIC Party of **[Town]** for

OFFICE

(Signed)

CANDIDATE STREET

SAMPLE

POLITICAL PARTY CAUCUS NOMINATION PAPER

BACK

GENERAL LAWS OF MASSACHUSETTS

Tercentenary Edition, 1932 as amended

Chapter 53, Section 7, 45, 60 and 96 to 101 inclusive

Section 7. Every voter signing a nomination paper shall sign in person, with his name as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence; and, except as provided in section three of chapter fifty-four A, every voter may sign as many nomination papers for each office as there are persons to be elected thereto, and no more.

Section 45. Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, and (3) the political party whose nomination he seeks, and the paper may state, in not more than eight words, the public offices which he holds or has held, showing clearly that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination; and, if he is a veteran as defined in section twenty-one of chapter thirty-one of the General Laws, the word "veteran" may be used.

Signatures shall be subject to section seven, and every voter may sign as many nomination papers for each office as there are persons to be nominated therefor or elected thereto, and no more.

A nomination paper shall be valid only in respect to a candidate whose written acceptance is thereon.

No nomination paper for use in the nomination of candidates to be voted for at state primaries shall contain the name of more than one candidate.

Whoever knowingly subscribes falsely to a statement on a primary nomination paper shall be punished by a fine of not more than fifty dollars.

Section 60. Section forty-five shall apply to nomination papers for city and town primaries, except that the name of more than one candidate may appear on the same nomination paper, if it contains no more names of candidates than there are persons to be elected.

Section 96. Nominations of candidates for elective city or town offices and for caucus officers to be voted for at a caucus shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device, containing the name of a candidate, his written acceptance, or containing the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town where the caucus is to be held, and for a district composed of more than one ward shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward in said district, and shall be subject to sections forty-five and sixty except that the nomination paper of a candidate for caucus officer shall not contain the statement permitted by section forty-five. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled, unless the person entitled to fill such vacancy files the written acceptance of the candidate nominated to fill

Section 97. All nomination papers shall be sealed up and filed with the secretary of the city or town committee not less than ten week days previous to the day on which the caucus is to be held for which the nominations are made, and he shall endorse upon them the time when he received them. They shall not be opened until the time for their filing has expired, when the secretary, at his office, shall publicly open them and publicly announce the nominations therein made.

Section 98. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two week days after the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

Section 99. If, in a city, nomination papers placing persons in nomination for all the offices to be filled at a caucus in any ward are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee, which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members of the committee who agree to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. If, at the expiration of two week days after the time at which nomination papers were opened, proper nomination papers have not been filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

Section 100. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

Section 101. A person nominated by a nomination paper may, within forty-eight week day hours succeeding five o'clock in the afternoon of the day fixed for opening nomination papers, withdraw his name from nomination by a request signed by him in person and filed with the secretary of the city or town committee. Thereupon, the secretary shall immediately give notice of such withdrawal and of the provisions of this section to the person who filed such nomination paper, and such person may, within twenty-four week day hours succeeding five o'clock in the afternoon of the last day fixed for making withdrawals, present a new name on a nomination paper signed by himself in person, otherwise the chairman and secretary of the committee may file nomination papers for the vacancy. If at any time after the expiration of the time for filling vacancies it shall appear that a vacancy has been created by death, the chairman of the committee may file with the city or town clerk a new name to fill such vacancy; and if the time is sufficient therefor, the new name shall be printed

SAMPLE

AUTHORIZATION TO OBTAIN NOMINATION PAPERS

Date____________________

This is to authorize [name] to obtain nomination papers for me for the three year term for the office of Selectman.

Signature________________________
(Candidate's signature)

____
(Printed name)

____
(Voting address)

....

SAMPLE

STATEMENT OF INTENTION
G.L. CH. 53, s. 9A

Date____________________

I, the undersigned, intend to be a candidate for the office of

____________________________ for the ____________year term in the
(office title) (years)

Annual Town Election of ________________.
(date)

____
(Sign as registered)

____
(Voting address)

Note: For a primary, include the party.

SAMPLE

NOTICE OF CANDIDATE FOR RE-ELECTION
Incumbent Town Meeting Member

Date____________________

To: Town Clerk
Town of [Name]

This is to notify you that I intend to be a candidate for re-election as a town meeting member for Precinct [#] in the Annual Town Election of [date].

____
(Signature as registered)

____
(Printed name)

____
(Voting address)

SAMPLE

RECORD CARD - FREE VOTING LIST & STREET LIST

CAND/COMM NAME	DATE PROVIDED	VOTING LIST	STREET LIST YEAR
JAMES SMITH SELECTMAN	2/1/88 3/31/88	3/24/87 SUPP. 12/31/87 3/22/88 (NEW VL)	1987
WILLIAM JONES MODERATOR	2/25/88 3/31/88	3/24/87 SUPP. 12/31/87 3/22/88 (NEW VL)	1987
JAMES SMITH ELECTION COMMITTEE	2/18/88 4/1/88	3/24/87 SUPP. 12/31/87 3/22/88 (NEW VL)	(NOT REQUESTED)

SAMPLE

INFORMATION FOR CANDIDATES

Town of Midtown

Information for Candidates - Annual Town Election: March 28, 1988

January 1st	Nomination Papers available
February 11th	5 P.M. - Deadline for filing intention to be a candidate and for obtaining nomination papers [if town has accepted 53:9A]
February 16th	5 P.M. - Deadline to submit nomination papers to Registrars for signature certification. Submit to Town Clerk's Office, Town Hall. 50 certifiable signatures required. [14th day prior to filing deadline is a holiday, Monday, February 15th; submission deadline is next day]
February 29th	5 P.M. - Deadline for filing nomination papers with Town Clerk.
March 2nd	5 P.M. - Deadline for withdrawing candidacy
March 5th	9 A.M. - 5 P.M. - Voter Registration Session, Town Clerk's Office, Town Hall
March 8th	9 A.M. - 10 P.M. - Voter Registration Session, Town Clerk's Office, Town Hall. Registration for Annual Town Election and Meeting closes at 10 P.M.
March 21st	5 P.M. - Deadline for filing Campaign Finance Report. [8th day before election is Sunday, March 20th; filing deadline is next day]
March 25th	5 P.M. - Deadline for Absentee Ballot Applications. [Day before election is Sunday; office is not open on Saturday]
March 28th	7 A.M. - 8 P.M. - ANNUAL TOWN ELECTION, Centre School Auditorium.
April 4th	8 P.M. - ANNUAL TOWN MEETING begins, Centre School Auditorium.
April 27th	5 P.M. - Deadline for filing Campaign Finance Report.

January 10, 1989: 5 P.M. - Deadline for filing Campaign Finance Report, unless final report was filed on April 27, 1988.

SAMPLE

INFORMATION FOR CANDIDATES
(Alternate Format)

Town of Midtown

Information for Candidates - Annual Town Election: March 28,1988

February 11th, 5 P.M.: DEADLINE FOR TAKING OUT NOMINATION PAPERS

You must file with the Town Clerk, a written, signed statement that you intend to be a candidate, giving your name, voting address, the office you seek and the term of office. You may file your intentions in person or designate someone to act for you. Your designee must bring with him your completed and signed intention statement and your signed authorization that he may obtain nomination papers for you. Sign the intention statement and the authorization as you are registered.

You will receive five (5) blank nomination papers. Each paper must be completely filled out at the top (except political designation) before you collect any signatures.

Fifty (50) certified signatures are required for nomination. Collect well more than the required 50 in case some must be rejected by the Board of Registrars.

Signatures should be substantially in the same form as the signer is registered. The Registrars may certify a signature when the middle name or initial has been included or omitted or when they can identify the name as a registered voter.

Titles such as Dr., Mr., Mrs., may be included but are not necessary. A married woman must sign her own given name, not that of her husband. Mrs. Mary Smith is acceptable, but Mrs. John Smith is not. Suffixes such as Sr., Jr, II, III, should be included in the signature.

To avoid questions as to whether or not a signature can be certified, it is suggested that you have a street list or voting list with you while collecting signatures to check how the signer is registered. You are entitled to one free copy of the street list and one free copy of the voting list. Additional copies are available at $5.00 each.

A voter may sign the papers of as many candidates for a given office as there are persons to be elected to that office, but no more.

The current street address must be entered by the signer in the column entitled "Now living at". The column entitled "Residence on January 1, 1987" needs to be completed only if the signer has changed his address since the 1987 Annual Town Census.

The street address should not be abbreviated and ditto marks should not appear anywhere on the papers.

February 16, 1988, 5 P.M.: DEADLINE FOR SUBMITTING PAPERS TO REGISTRARS (Town Clerk's Office)

Your signed papers must be submitted to the Board of Registrars so that signatures can be examined, counted and certified. Once the papers have been submitted to the Board and the deadline has passed, they cannot be returned for the purpose of collecting additional signatures. Papers will be checked and certified in the order in which they are received.

Be certain you have signed at the top of the nomination paper after "I accept the nomination" before they are submitted to the Registrars. Only one of the five papers needs to be signed to indicate your acceptance of the nomination.

February 29, 1988, 5 P.M.: DEADLINE FOR FILING PAPERS WITH TOWN CLERK

Your nomination papers will automatically be filed with the Town Clerk if you have a sufficient number of certified signatures unless you notify the office that you do not wish to be a candidate in the Annual Town Election. Notice must be in writing, signed by you and received by the Town Clerk before the deadline for filing.

March 2, 1988, 5 P.M.: DEADLINE FOR WITHDRAWING CANDIDACY

To withdraw your candidacy after your papers have been filed, you must file a written statement of your decision, signed and acknowledged before a notary public. This may be done at the Town Clerk's Office or elsewhere. It must be received by the Town Clerk by 5 P.M. on March 2nd or your name must remain on the ballot in spite of your decision.

March 8, 1988, 10 P.M.: CLOSE OF VOTER REGISTRATION

To be eligible to register, an individual must be a U.S. citizen, at least 18 years old by March 28th, be a town resident at the time of registration and intend to remain a resident. To be eligible to vote at the Annual Town Election and Annual Town Meeting, an individual must register by 10 P.M. on March 8th.

Residents may register at the Town Clerk's office weekdays from 9 A.M. to 5 P.M. A registration session will be held at the Town Clerk's office on Saturday, March 5th from 9 A.M. to 5 P.M. and on Tuesday, March 8th from 9 A.M. to 10 P.M. at which time registration for the Annual Town Election and Annual Town Meeting closes. Additional registration sessions will be announced.

March 25, 1988, 5 P.M.: DEADLINE FOR ABSENTEE BALLOT APPLICATIONS

Absentee ballots for the Annual Town Election will be available by about March 7th. Application forms are currently available upon request at the Town Clerk's office. Application should be made as early as possible. Completed and signed applications must be received at the Town Clerks office by 5 P.M. on March 25th.

March 28, 1988, 7 A.M. - 8 P.M.: ANNUAL TOWN ELECTION

Voting will take place at the Centre School Auditorium.

No campaign signs, posters or literature may be placed or distributed within 150' from the entrance doors of the Centre School. Candidates or their workers may stand closer than 150' to greet voters provided they have no campaign material of any kind, including name tags with the candidate's name or logo and provided they do not interfere in any way with the voters' free access to the polls. A diagram showing the 150' line is attached.

If you wish to have checkers at the polls to record the names of those who vote, please notify the Town Clerk as early as possible so that necessary arrangements may be made. If more than two candidates request space for checkers, specific placement at the poll checkers' table will be decided by drawing lots. Lots will be drawn at Noon on Saturday, March 26th at the Centre School Auditorium and you or your represenative should be present at that time. If you or your representative are not present to draw lots, you may have checkers at the polls near the entrance gates but space at the poll checkers' table may not be available. Rules and regulations applying to candidates' checkers will be available and discussed at the drawing.

April 4, 1988, 8 P.M.: ANNUAL TOWN MEETING - Centre School Auditorium

For deadlines and information on campaign finance reports, see separate information sheets provided with report forms.

SAMPLE

RECEIPT FOR NOMINATION PAPERS

Date 2/10/88

Received from MARY SMITH

3 Nomination Papers for JAMES SMITH

Office SELECTMAN Term 3 YRS

Number of Signatures Submitted: 1 32, 2 41, 3 28, 4____, 5____

Number of Signatures Certified: 1 30, 2 29, 3 10, 4____, 5____

Town Clerk

SAMPLE

RECEIPT FOR NOMINATION PAPERS

(Alternate Format)

Receipt Number

TOWN OF [NAME]

BOARD OF REGISTRARS

I ______________________ have brought in _____ nomination papers/petitions
Print Name Number
for certification by the Board of Registrars on ________________. When
Date
these signatures have been certified please:

_____ Call me: ____________________

_____ Notify by mail(Self-addressed, stamped envelope attached)

_____ I will call you

_____ Other: ______________________________

____

____
Signature

____
Signature for the Board of Registrars

Forms may be prepared using NCR paper. White original issued to submitter. Yellow copy filed. Number of papers, number of signatures submitted and certified may be added.

SAMPLE

RECORD OF CANDIDATE'S PAPERS

ANNUAL TOWN ELECTION, MARCH 28, 1988

CANDIDATE: JAMES SMITH

CODE: S-RED

OFFICE: SELECTMAN

TERM: 3 YRS

REC'D	PAPER #	SIGNATURES SUBMITTED	SIGNATURES CERTIFIED
2/10/88	1	32	30
2/10/88	2	41	29
2/10/88	3	28	10
2/12/88	4	10	1
TOTAL		111	70

SAMPLE

RECORD CARD - CANDIDATE'S PAPERS

CANDIDATE: JOHN SMITH

OFFICE: SELECTMAN TERM: 3 YRS

REC'D	PAPER #	SIGS. SUBMITTED	SIGS. CERTIFIED
2/10/88	1	32	30
2/10/88	2	41	29
2/10/88	3	28	10
2/12/88	4	10	1
TOTAL		111	70

SAMPLE

MARKED VOTING LIST

```
                 WASHINGTON TERRACE        CONT.
                 ------------------------------
                  D   54   STEELE ANTHONY L
red               D   54   STEELE GERTRUDE E
                  D   54   STEELE PATRICIA A
green             D   61   BLAKE LINDA L
                      61   BLAKE ROBERT P
red                   66   MEINHOLD LEE F
green                 66   MEINHOLD LINDA
                      73   HIGGINBOTHAN BARBARA M
blue                  73   HIGGINBOTHAN JOHN E
green                 78   WHITAKER CHARLES E
                  D   78   WHITAKER DEBRA L
                  D   89   HOUGHTON BARBARA A
                  D   89   HOUGHTON DAVID A
                  D   89   HOUGHTON ROBERT A
red               D   90   SAMOWSKI DIANA M
                      90   SAMOWSKI JOSEPH M JR
                  D  102   MURPHY MICHAEL V
                  D  102   MURPHY SUSAN R
                     114   TEEBAGY MARYANNE E
                     117   ELLIS NADINE J
                  R  117   ELLIS RICHARD L
                     126   FALL GREGORY F
                  D  126   FALL JEANNETTE D
                  R  129   ANDERSON CARLE
                     129   ANDERSON CYNTHIA
                     129   ANDERSON MICHELE D
                     138   WILSON MICHAEL M
                     138   WILSON PATRICIA J


                  D  162   LEE JEANNE D
                  D  162   LEE MICHAEL P
                     162   LEE PATRICK J
              S J D  174   EMANUELE JOAN E
                  D  174   EMANUELE LIBERT J
                     174   EMANUELE LINDA L
              A S W  182   CHASE MARGARET E
                     182   CHASE WILLIAM F JR
                  D  191   BEATRICE KATHLEEN T
                  D  191   BEATRICE RICHARD V
                  D  196   CUNNINGHAM MARTIN J
                W J D  196   CUNNINGHAM MARTIN J JR
                  D  196   CUNNINGHAM THERESA A
                  D  204   MOLITO GERARD J
                S D  204   MOLITO NORINE R
                  D  209   KONARSKI CATHERINE G
                     219   FLETCHER GUY N
                     219   FLETCHER MARIE G
                     222   QUINN ELLEN J
                     222   QUINN JOHN P
                     222   QUINN ROBERT
                  D  229   PURCELL FRANCES A
                  D  229   PURCELL LEO J JR
                     236   DAMON ELAINE B
                     236   DAMON JAMES L
                     241   WHITE CHARLES W
                  D  246   HICKEY JACQUELINE M
                  D  246   HICKEY WILLIAM J
                  D  260   PORRAZZO JOSEPH M
                  D  260   PORRAZZO KATHLEEN J
                  D  270   MURPHY ANNA M
                  D  270   MURPHY WILLIAM A
```

Color Code:

Green-Moderator
Red-Selectman
Vote for Two
Blue-Assessor

Initial Code:

Moderator
J-William Jones

Selectman
S-James Smith
A-Frank Allen

Assessor
W-John White

(May also be color coded)

SAMPLE

REQUEST TO CHANGE LAST DAY FOR FILING NOMINATION PAPERS

(Town Clerk's Letterhead)

TO: Board of Selectmen

RE: Last Day for Filing Nomination Papers

DATE: December 3, 1987

This is to request that the Board of Selectmen vote, under the provisions of Chapter 54, section 103P of the General Laws, to change the last day for filing town election nomination papers with the Town Clerk from the 28th day to the 35th day prior to the Annual Town Election.

I have requested this change because the present deadline makes it extremely difficult to have the absentee ballots available to voters early enough. Absentee ballots should be available at least three weeks before the election. The present filing deadline gives the printer less than a week to prepare and print the ballots since the final ballot text is not available until after that deadline. The new deadline will permit absentee ballots to be available about one week earlier than in the past.

Last year, three voters could not vote in the annual town election because they had to leave town just two days before the ballots were ready. In addition, several ballots had to be mailed to the west coast and one overseas. These ballots were received barely in time to be counted. Had the ballots been delayed only one day, they could not have been counted.

The simple administrative procedure provided in Chapter 54, section 103P will help prevent voters from being disenfranchised in future elections. In order to be effective for the Annual Town Election of April 11, 1988, the Selectmen's vote to change the filing deadline must be taken not later than January 7, 1988. The Town Clerk's Office plans to provide ample publicity for the change in the election calendar so that prospective candidates will be aware of the earlier deadline.

Your favorable consideration of this request will be appreciated not only by this office, but also by the voters of the town. If you have any questions or need further information, please call me.

____
Town Clerk

SAMPLE

NEWS RELEASE - CHANGE OF FILING DEADLINE
G.L., CH. 54, s. 103P

Town Clerk's Office
December 15, 1987

FOR IMMEDIATE RELEASE: Nomination Papers for 1988 Town Election

Candidates for the 1988 Annual Town Election should take note of the Selectmen's recent vote to change the filing deadline for nomination papers from the 28th to the 35th day before the election. This vote was taken at the request of the Town Clerk.

In his request, the Town Clerk stated that the changed deadline will make it possible to have absentee ballots for the town election available a week earlier since the ballots cannot be printed until after the filing deadline. Last year, three voters could not vote in the town election because they had to leave town just two days before the ballots were ready.

"Just one voter disenfranchised is too many when a simple administrative change can solve the problem. That's why I made this request," said Town Clerk Jones. The earlier filing deadline means that candidates in the April 11, 1988 town election will have to take out nomination papers not later than February 18th and must submit them to the registrars for signature certification not later than February 22nd. The earlier deadlines should not be a problem for candidates but will solve a major problem for some voters.

For further information on nomination papers and on absentee ballots, contact the Town Clerk's Office at 444-1111.

SAMPLE

WITHDRAWAL REQUEST FORM

Date_______________

To: Town Clerk

This is to request that my nomination for the office of

________________________ for a term of ______years be withdrawn

since I have decided not to run for office at this time.

____
Candidate's Signature

____
Printed Name

____
Voting Address

COMMONWEALTH OF MASSACHUSETTS

_____________SS Date_________________

Then personally appeared ___________________________ and acknowledged that he signed the foregoing as his free act and deed, before me

____
Notary Public

My commission expires

____

SAMPLE

FORM E-226 - WHITE - 12" X 19"

(FRONT)

The Commonwealth of Massachusetts

TOWN CAUCUS CERTIFICATE OF NOMINATION

FOR USE AT CAUCUSES OF POLITICAL PARTIES

(To be filed with the town clerk within the time fixed by law)

We certify that a caucus of qualified voters of the Town of ______________________________

was called and held in accordance with the provisions of law relating thereto, at ______________________________ (Location)

______ on the ________ (Day) day of ________ (Month) 19 , and the following nominations of candidates for town

offices were made, for ______________________________ (Political party) viz

PRINT OR TYPE ALL THESE ENTRIES

Office to be filled	Check if candidate for re-election	Term (Years)	Name of Candidate	Residence (Street and No. if any)	I accept the nomination (Written signature)

OVER

SAMPLE

FORM E-226 - WHITE - 12" X 19"

(BACK)

PRINT OR TYPE ALL THESE ENTRIES

Office to be filled	Check if candidate for re-election	Term (Years)	Name of Candidate	Residence (Street and No., if any)	I accept the nomination (Written signature)

We further certify that the caucus voted that in case of the death, withdrawal or ineligibility of the candidate or candidates so nominated the vacancy or vacancies shall be filled as follows.

____

____

__________________________ Presiding Officer of Caucus
(Signature)

____
(Residence, Street and No., if any)

__________________________ Secretary of Caucus
(Signature)

____
(Residence, Street and No., if any)

The Commonwealth of Massachusetts

____________ ss ____________ 19

Then personally appeared the above-named ____________________ Presiding Officer, and ____________________ Secretary, and severally made oath that the foregoing certificate, by them signed, is true to the best of their knowledge and belief.

Before me,

____

Notary Public or Justice of the Peace.

Filed ____________ 19 o'clock, M
(Month, Day)

__________________ Town Clerk

SAMPLE

FORM E-227 - WHITE - 12" X 19"

(FRONT)

[illegible]

The Commonwealth of Massachusetts

TOWN CAUCUS CERTIFICATE OF NOMINATION

FOR USE OF CAUCUSES OTHER THAN THOSE OF POLITICAL PARTIES

(To be filed with the town clerk within the time fixed by law)

We certify that a caucus of qualified voters of the Town of ____________________

was called and held in accordance with the provisions of law relating thereto, at ____________________ (Location)

____________ on the ____________ (Day) day of ____________ (Month) 19 , and the following nominations of candidates for town

ffices were made, for ____________________ (Designation, if any, not more than three words) viz.:

PRINT OR TYPE ALL THESE ENTRIES

Office to be filled	Check if candidate for re-election	Term (Years)	Name of Candidate	Residence (Street and No., if any)	I accept the nomination (Written signature)

OVER

SAMPLE

FORM E-227 - WHITE - 12" X 19"

(BACK)

PRINT OR TYPE ALL THESE ENTRIES

Office to be filled	Check if candidate for re-election	Term (Years)	Name of Candidate	Residence (Street and No., if any)	I accept the nomination (Written signature)

We further certify that at least twenty-five qualified voters of the town participated and voted therein.

We also further certify that the caucus voted that in case of the death, withdrawal or ineligibility of the candidate or candidates so nominated the vacancy or vacancies shall be filled as follows:—

____

____

____________________ Presiding Officer of Caucus.
(Signature)

____
(Residence, Street and No., if any)

____________________ Secretary of Caucus.
(Signature)

____
(Residence, Street and No., if any)

The Commonwealth of Massachusetts

__________ ss. __________ 19

Then personally appeared the above-named ____________________ Presiding Officer, and ____________________ Secretary, and severally made oath that the foregoing certificate, by them signed, is true to the best of their knowledge and belief.

Before me,

____
Notary Public or Justice of the Peace.

Filed __________ 19 o'clock, M.
(Month, Day)

____________________ Town Clerk.

SAMPLE

CERTIFICATE OF NOMINATION TO FILL A VACANCY

[NAME OF PARTY, if applicable]

This is to certify that a vacancy exists in the nomination for the office of ____[title]__________________ for a term of __#__ years to be elected/nominated at the town election/primary/preliminary of __[date]___because of the withdrawal/death/physical disability/ineligibility of ____[name of original candidate]________________.

This is to further certify that a meeting of the [committee/board authorized to fill vacancies] was duly called by the chairman and was held on ___[date]__ at __[time]_ at __[place]___. A quorum was present. Upon a motion duly made and seconded, it was

VOTED: to nominate _____[name of new candidate]___ of ______address__________ to fill the vacancy.

______signature________________
Chairman

______signature________________
Secretary/Clerk

COMMONWEATH OF MASSACHUSETTS

__________________ss   ____[date]____

Then personally appeared the above named _______________________ Chairman, and __________________________, Secretary/Clerk and severally made oath that the foregoing certificate, by them signed, is true to the best of their knowledge and belief.

Before me,

____
Notary Public or Justice of Peace
My commission expires_____________

I accept the nomination to the office of ___[title_______ for a term of __#__ years.

____[signature of new candidate]_____

Date_________________

Note: A certificate of registration form may be included or attached.

SAMPLE FORM - OBJECTION

COMMONWEALTH OF MASSACHUSETTS

[NAME OF COUNTY], SS

BOARD OF REGISTRARS
TOWN OF [NAME]

_______________,)
Objector)

v.)

_______________,)
Respondent)

OBJECTION

[State below in detail the facts which provide each ground for the objection and the relief sought. Use other side and additional pages if necessary]

____
Signature of objector or authorized representative

Name of Objector	Name of authorized Rep., if any
Voting address	Address
Town	City or town, and zip
Telephone Number	Telephone Number

SAMPLE AFFIDAVIT OF TOWN CLERK

COMMONWEALTH OF MASSACHUSETTS

[NAME OF COUNTY] SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NOS.

[NAME]
Plaintiff

V.

BOARD OF REGISTRARS OF [TOWN],
Defendants

AFFIDAVIT OF [NAME OF TOWN CLERK]

I, [name of town clerk], state under oath as follows:

1. I am the Town Clerk of the town of [name]. As such, I am in charge of the elections held in the town of [name] including preparing, printing and delivering the official ballots for the Annual Town Election to be held on [date]. I have served in the Town Clerk's office since [year] and as Town Clerk since [year].

2. I have entered into a contract for printing and delivering the official ballots and related materials for the Annual Town Election of [date]. The deadline under this contract to supply final copy for the election ballots to the printer was [date].

3. Copy for the Annual Town Election ballots has been furnished to the printer, but the ballots will not be released for printing until [date], or a final adjudication of this action whichever occurs first.

4. The contract requires delivery of the Annual Town Election ballots to this office no later than [date], [#] weeks before the election. If I fail to authorize printing of the ballots by [date], delivery of the absentee ballots by [date] cannot be assured.

5. The right of citizens to vote by absentee ballot in this election is guaranteed by the state absentee voting law, G.L. ch. 54, SS 86-103O. Based on my experience with elections since [year], absentee ballots must be available for mailing no later than [#] weeks before the relevant election if voters are not to be disfranchised.

6. Therefore, if the Annual Town Election Ballots are not released for printing by [date], some voters will probably be disfranchised.

____
Town Clerk

Dated:______________________

Signed before me under the penalties of perjury.

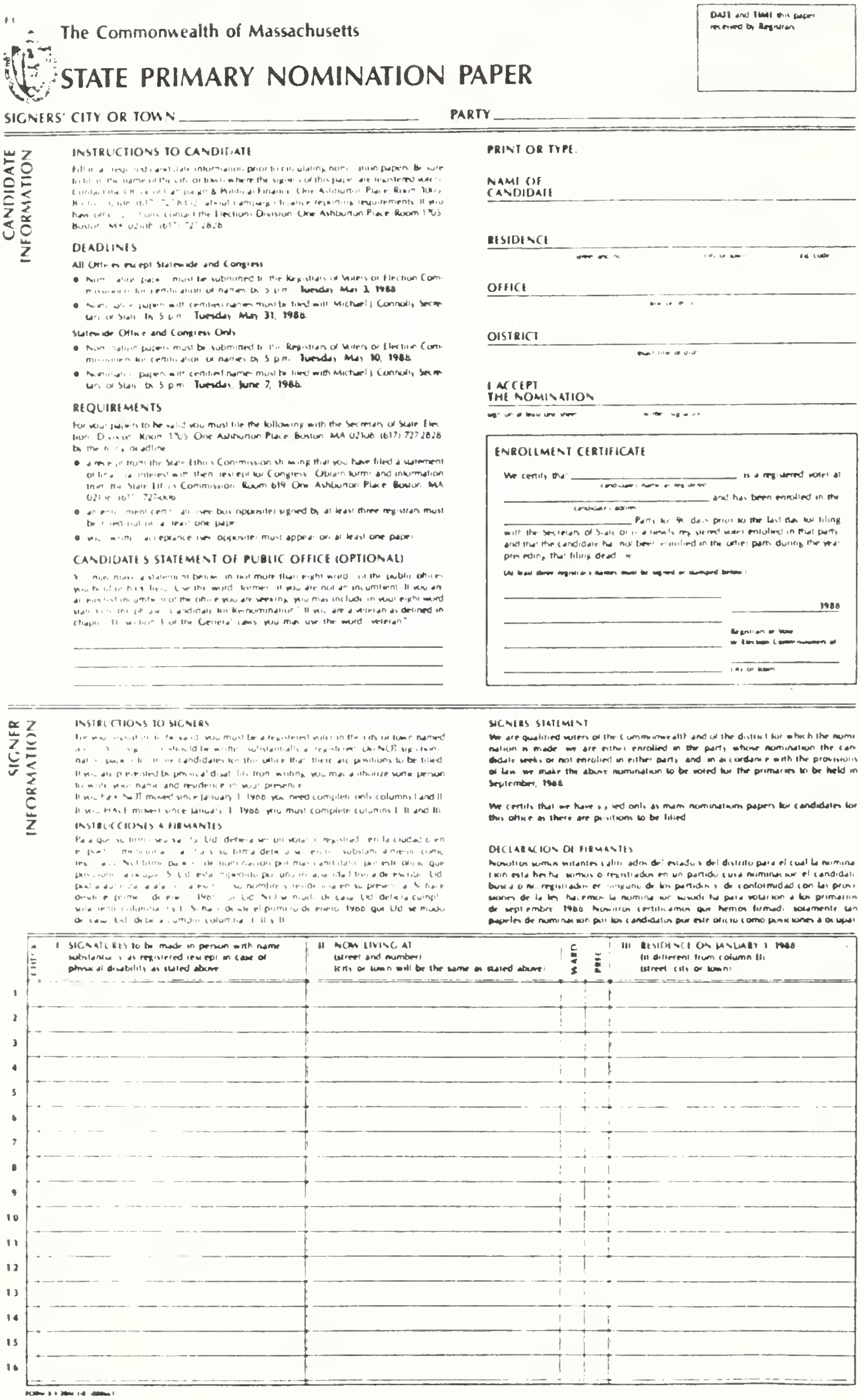
____
Notary Public
My commission expires:

____

SAMPLE

FORM E-1 - WHITE - 12" X 19"

(FRONT)



DATE and TIME this paper received by Registrars

The Commonwealth of Massachusetts

STATE PRIMARY NOMINATION PAPER

SIGNERS' CITY OR TOWN ______________________ PARTY ______________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters. Contact the Office of Campaign & Political Finance, One Ashburton Place, Room 1003, Boston [illegible] about campaign finance reporting requirements. If you have other [illegible] contact the Elections Division, One Ashburton Place, Room 1705, Boston, MA 02108 (617) 727-2828.

DEADLINES

All Offices except Statewide and Congress

- Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m. **Tuesday, May 3, 1988.**
- Nomination papers with certified names must be filed with Michael J. Connolly, Secretary of State, by 5 p.m. **Tuesday, May 31, 1988.**

Statewide Office and Congress Only

- Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m. **Tuesday, May 10, 1988.**
- Nomination papers with certified names must be filed with Michael J. Connolly, Secretary of State, by 5 p.m. **Tuesday, June 7, 1988.**

REQUIREMENTS

For your papers to be valid you must file the following with the Secretary of State, Election Division, Room 1705, One Ashburton Place, Boston, MA 02108 (617) 727-2828 by the filing deadline:

- a receipt from the State Ethics Commission showing that you have filed a statement of financial interest with them (except for Congress). Obtain forms and information from the State Ethics Commission, Room 619, One Ashburton Place, Boston, MA 02108 (617) 727-[illegible]
- an enrollment certificate (see box opposite) signed by at least three registrars must be filed out on at least one paper
- your written acceptance (see opposite) must appear on at least one paper

CANDIDATE'S STATEMENT OF PUBLIC OFFICE (OPTIONAL)

You may make a statement below, in not more than eight words, of the public offices you hold or have held. Use the word "former" if you are not an incumbent. If you are an elected incumbent of the office you are seeking, you may include in your eight word statement the phrase "Candidate for Re-nomination." If you are a veteran as defined in chapter [illegible] section [illegible] of the General Laws, you may use the word "veteran."

____

____

____

PRINT OR TYPE.

NAME OF CANDIDATE ______________________

RESIDENCE ______________________

street and no. — city or town — zip code

OFFICE ______________________

[illegible]

DISTRICT ______________________

[illegible]

I ACCEPT THE NOMINATION ______________________

[illegible] — [illegible]

ENROLLMENT CERTIFICATE

We certify that ______________________ is a registered voter at
candidate's name as registered

______________________ and has been enrolled in the
candidate's address

______________________ Party for 90 days prior to the last day for filing with the Secretary of State or is a newly registered voter enrolled in that party and that the candidate has not been enrolled in the other party during the year preceding that filing deadline.

(At least three registrar's names must be signed or stamped below.)

____

______________________ ______________________ 1988

______________________ Registrars of Voters or Election Commissioners of

______________________ ______________________
city or town

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above. Your signature should be written substantially as registered. Do NOT sign more nomination papers for more candidates for this office than there are positions to be filled. If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988 you need complete only columns I and II.

If you HAVE moved since January 1, 1988 you must complete columns I, II and III.

INSTRUCCIONES A FIRMANTES

Para que su firma sea válida, Ud. deberá ser un votante registrado en la ciudad o en el pueblo mencionado arriba. Su firma deberá escribirse substancialmente como [illegible]. No firme papeles de nominación por más candidatos para este oficio que posiciones a ocupar. Si Ud. está impedido por una incapacidad física de escribir, Ud. puede autorizar a alguien a escribir su nombre y residencia en su presencia. Si no ha [illegible] desde el primero de enero 1988 o si Ud. no se mudó de casa, Ud. deberá cumplir solamente columnas I y II. Si ha [illegible] desde el primero de enero 1988 que Ud. se mudó de casa, Ud. deberá cumplir columnas I, II y III.

SIGNERS STATEMENT

We are qualified voters of the Commonwealth and of the district for which the nomination is made; we are either enrolled in the party whose nomination the candidate seeks or not enrolled in either party; and in accordance with the provisions of law we make the above nomination to be voted for the primaries to be held in September, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito para el cual la nominación está hecha; somos o registrados en un partido cuya nominación el candidato busca o no registrados en ninguno de los partidos; y de conformidad con las provisiones de la ley, hacemos la nominación susodicha para votación a las primarias de septiembre 1988. Nosotros certificamos que hemos firmado solamente tan papeles de nominación por los candidatos por este oficio como posiciones a ocupar.

CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
1					
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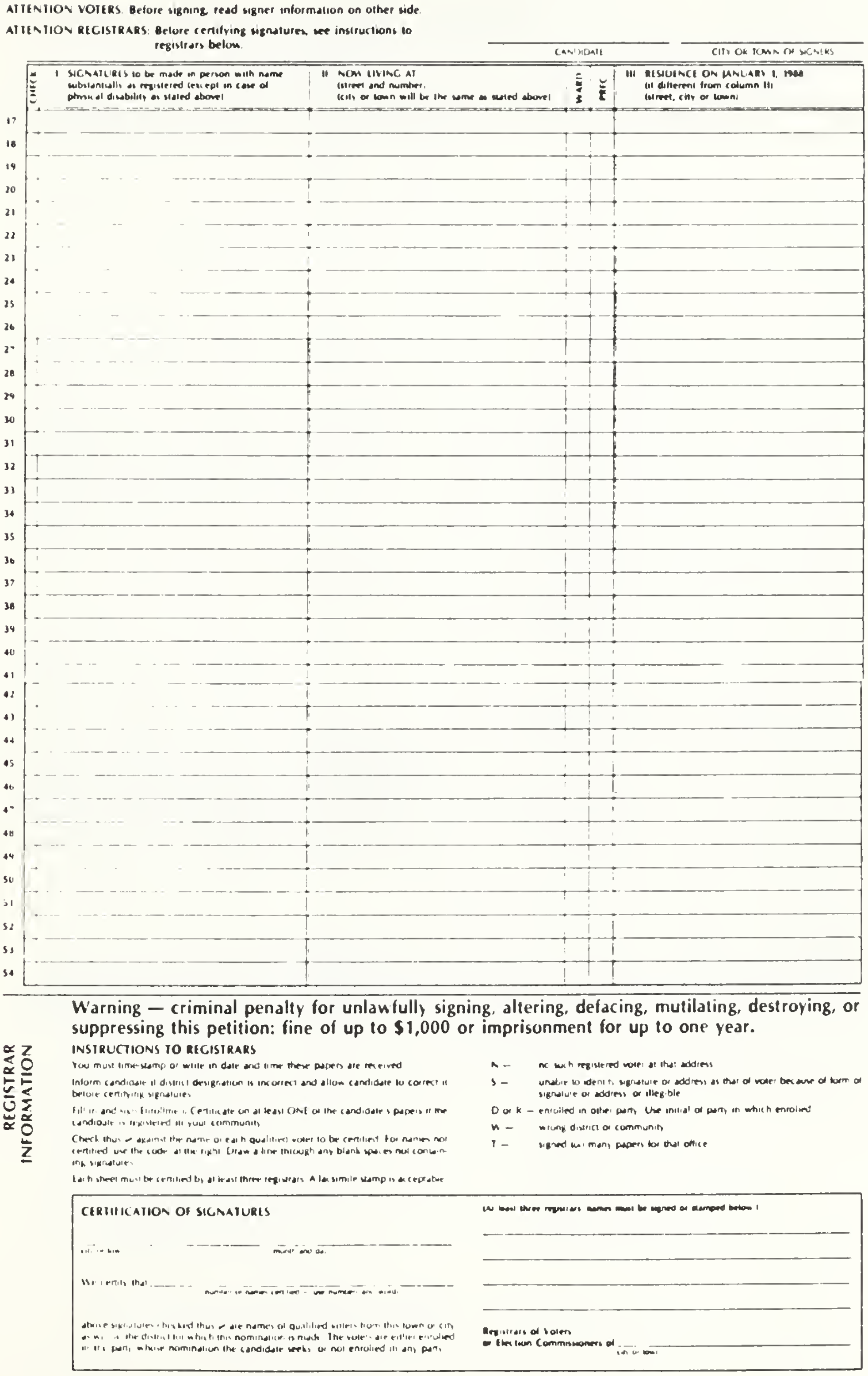
16					

SAMPLE

FORM E-1 - WHITE - 12" X 19"

(BACK)



ATTENTION VOTERS. Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars below.

______________ CANDIDATE

______________ CITY OR TOWN OF SIGNERS

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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Warning — criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Inform candidate if district designation is incorrect and allow candidate to correct it before certifying signatures.

Fill in and sign Enrollment Certificate on at least ONE of the candidate's papers if the candidate is registered in your community.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the codes at the right. Draw a line through any blank spaces not containing signatures.

Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.

N — no such registered voter at that address
S — unable to identify signature or address as that of voter because of form of signature or address, or illegible
D or R — enrolled in other party. Use initial of party in which enrolled
W — wrong district or community
T — signed too many papers for that office

CERTIFICATION OF SIGNATURES

______________ city or town ______________ month and day

We certify that ______________
number of names certified — use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or city as well as the district for which this nomination is made. The voters are either enrolled in the party whose nomination the candidate seeks, or not enrolled in any party.

(At least three registrars' names must be signed or stamped below.)

____

____

____

____

Registrars of Voters
or Election Commissioners of ______________
city or town

SAMPLE

FORM E-15 - BEIGE - 12" X 19"

(FRONT) 1986

The Commonwealth of Massachusetts

STATE ELECTION NOMINATION PAPER

FOR STATE WIDE OFFICE - FOR TWO OR MORE CANDIDATES

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ______________ POLITICAL DESIGNATION ______________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

PRINT OR TYPE	NAME OF CANDIDATE	RESIDENCE Street and No City or Town	I ACCEPT THE NOMINATION. Signature
GOVERNOR			
LIEUTENANT GOVERNOR			
ATTORNEY GENERAL			
SECRETARY			
TREASURER			
AUDITOR			

CANDIDATE INFORMATION

INSTRUCTIONS TO CIRCULATORS

Fill all blanks above for which you have candidates

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters. Contact the Office of Campaign & Political Finance, 1 Ashburton Place, room 1005, Boston 02108, (617) 727-8352, about campaign finance reporting requirements

Fill in political designation above in not more than three words. The candidates may NOT use the designation "Democratic" or "Republican" on these papers. If no designation is indicated, the term "Unenrolled" will appear on the ballot

The number of certified signatures on state election nomination papers for candidates not running in the primary must equal 2% of the last vote cast for governor in the Commonwealth. The number of certified signatures necessary on these papers is 41,000. These papers may be signed by any registered voter whether enrolled in the Democratic or Republican party or unenrolled (Independent)

CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR

Nomination papers for candidates for Governor and Lieutenant Governor shall contain the names and addresses of members of a Committee of Five Registered Voters who shall fill any vacancy caused by death, withdrawal, ineligibility or disqualification of either candidate (General Laws, chapter 53, section 8)

DEADLINES

Nomination papers for STATEWIDE office must be submitted to the Registrars of Voters or Election Commissioners for certification of names before 5 p.m., Tuesday, May 6, 1986

Nomination papers for STATEWIDE office must be filed with Michael J. Connolly, Secretary of State before 5 p.m., Tuesday, June 3, 1982.

REQUIREMENTS

For nomination papers to be valid each candidate must file the following by the filing deadlines

- a Certificate of Voter Registration which must be filed no later than the final filing deadline with the Secretary of State. This certificate may be obtained from the Registrars of Voters of the city or town in which the candidate resides and certifies that the candidate has not been enrolled in a political party during the 90 days prior to filing these papers with the Secretary of State
- a receipt from the State Ethics Commission showing that a statement of financial interest has been filed with them. The receipt must be filed with the Secretary of State by the filing deadline. Obtain forms and information from the State Ethics Commission, One Ashburton Place, Room 1413, Boston 02108, (617) 727-0060
- the written acceptance of each candidate must appear on at least one paper (see above)

COMMITTEE OF FIVE REGISTERED VOTERS

NAME AND RESIDENCE (Street & Number, if any, City or Town)

____

____

____

____

____

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid you must be a registered voter in the city or town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for an office than there are positions to be filled

If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence

If you have NOT moved since January 1, 1986 complete only columns I and II

If you HAVE moved since January 1, 1986, you must complete columns I, II, and III

INSTRUCCIONES A FIRMANTES

Para que su firma sea válida Ud. deberá ser registrado en la ciudad o en el pueblo susodicho y su firma deberá ser escrita substancialmente como registrada. NO firme papeles de nominación por más candidatos por un oficio que posiciones a ocupar. Si Ud. está impedido por una incapacidad física de escribir, Ud. podrá autorizar alguien a escribir su nombre y residencia en su presencia. Si hace desde el primero de enero, 1986 que Ud. NO mudó de casa, cumpla solamente columnas I y II. Si Ud. mudó de casa desde el primero de enero, 1986 Ud. deberá cumplir columnas I, II y III

SIGNER'S STATEMENT

We are qualified voters of the Commonwealth for which the nominations are made, and in accordance with the provisions of law, we make the above nominations to be voted for at the election on November 4, 1986.

We certify that we have signed only as many nomination papers for candidates for these offices as there are positions to be filled

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado por el cual la nominación está hecha, y de conformidad con la provisiones de ley, hacemos la nominacion susodicha para votacion a la elección del 4 de noviembre, 1986. Nosotros certificamos que hemos firmado solamente tan papeles de nominación por candidatos por estos oficios como posiciones a ocupar.

CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)

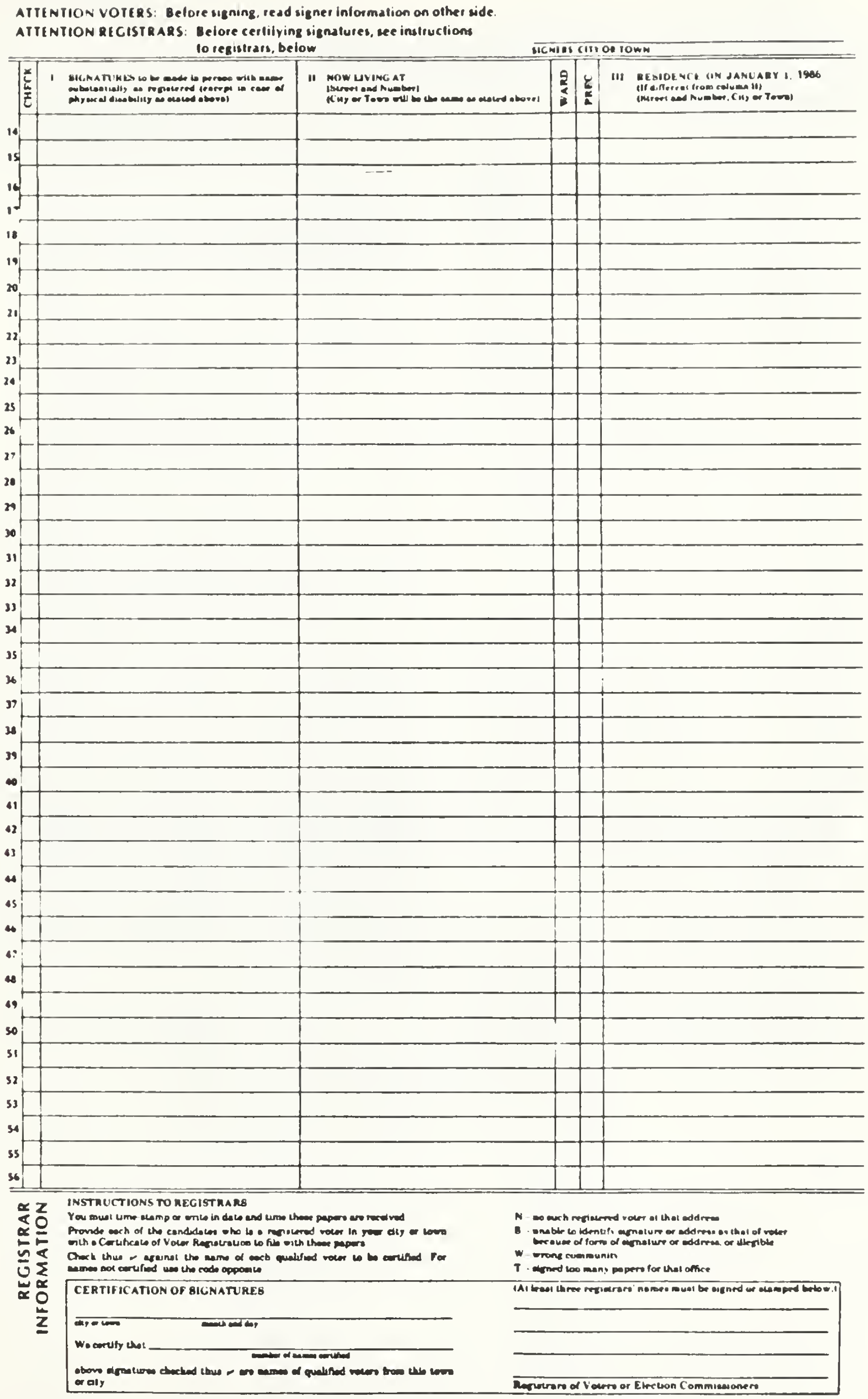
[illegible]

SAMPLE

FORM E-15 - BEIGE - 12" X 19"

(BACK)

1986



ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars, below

SIGNERS CITY OR TOWN

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)
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REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time stamp or write in date and time these papers are received

Provide each of the candidates who is a registered voter in your city or town with a Certificate of Voter Registration to file with these papers

Check thus ✓ against the name of each qualified voter to be certified. For names not certified use the code opposite

N - no such registered voter at that address
B - unable to identify signature or address as that of voter because of form of signature or address, or illegible
W - wrong community
T - signed too many papers for that office

CERTIFICATION OF SIGNATURES

city or town ______ month and day ______

We certify that ______ (number of names certified) above signatures checked thus ✓ are names of qualified voters from this town or city

(At least three registrars' names must be signed or stamped below.)

______
______
______
______
Registrars of Voters or Election Commissioners

SAMPLE

FORM E-15B - BEIGE - 12" X 19"

(FRONT)

E15B

The Commonwealth of Massachusetts

STATE ELECTION NOMINATION PAPER
FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT AND U.S. SENATOR

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ____________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATES

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters.

Each candidate for elector must sign the acceptance of nomination on at least one sheet.

The paper may be signed by any registered voter whether enrolled in the Democratic or Republican party or not enrolled in either party (unenrolled).

[illegible] certified signatures are required for ballot placement. At least three registrars must sign the certification of signatures on reverse side.

The candidate for U.S. Senator must obtain a certificate of Voter Registration signed by at least three registrars.

DEADLINES

Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m. Tuesday, August 2, 1988.

Nomination papers must be filed with Michael J. Connolly, Secretary of State by 5 p.m. Tuesday, August 30, 1988.

CANDIDATES FOR PRESIDENT AND VICE PRESIDENT ____________________

POLITICAL DESIGNATION ____________________

(Candidates political designation may be expressed in not more than three words but the words "Democratic" or "Republican" may not be used.)

Electors of President and Vice President	TYPE OR PRINT CANDIDATES' NAMES BELOW NAMES OF CANDIDATES	RESIDENCE (Street and number, if any, city or town)	I ACCEPT THE NOMINATION (Signature required on at least one sheet.)
1			
2			
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12			
13			
U.S. Senator			

SIGNER INFORMATION

INSTRUCTION TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988 you need complete only columns I and II.

If you HAVE moved since January 1, 1988 you must complete columns I, II and III.

INSTRUCCIONES A FIRMANTES

Para que su firma sea [illegible] Ud. debe ser un [illegible] en la ciudad [illegible] en el [illegible] [illegible] solamente columna I y II. Si ha desde el primero de enero 1988 que Ud. se mudó de casa Ud. deberá cumplir columna I, II y III.

SIGNERS STATEMENT

We are qualified voters of the Commonwealth and in accordance with the provisions of law we make the above nomination to be voted for at the election on November 8, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito para el cual la nominación está hecha y de conformidad con las provisiones de ley hacemos la nominación susodicha para votación a la elección del 8 de noviembre 1988. Nosotros certificamos que hemos firmado solamente tan papeles de nominación por candidatos por este oficio como posiciones a ocupar.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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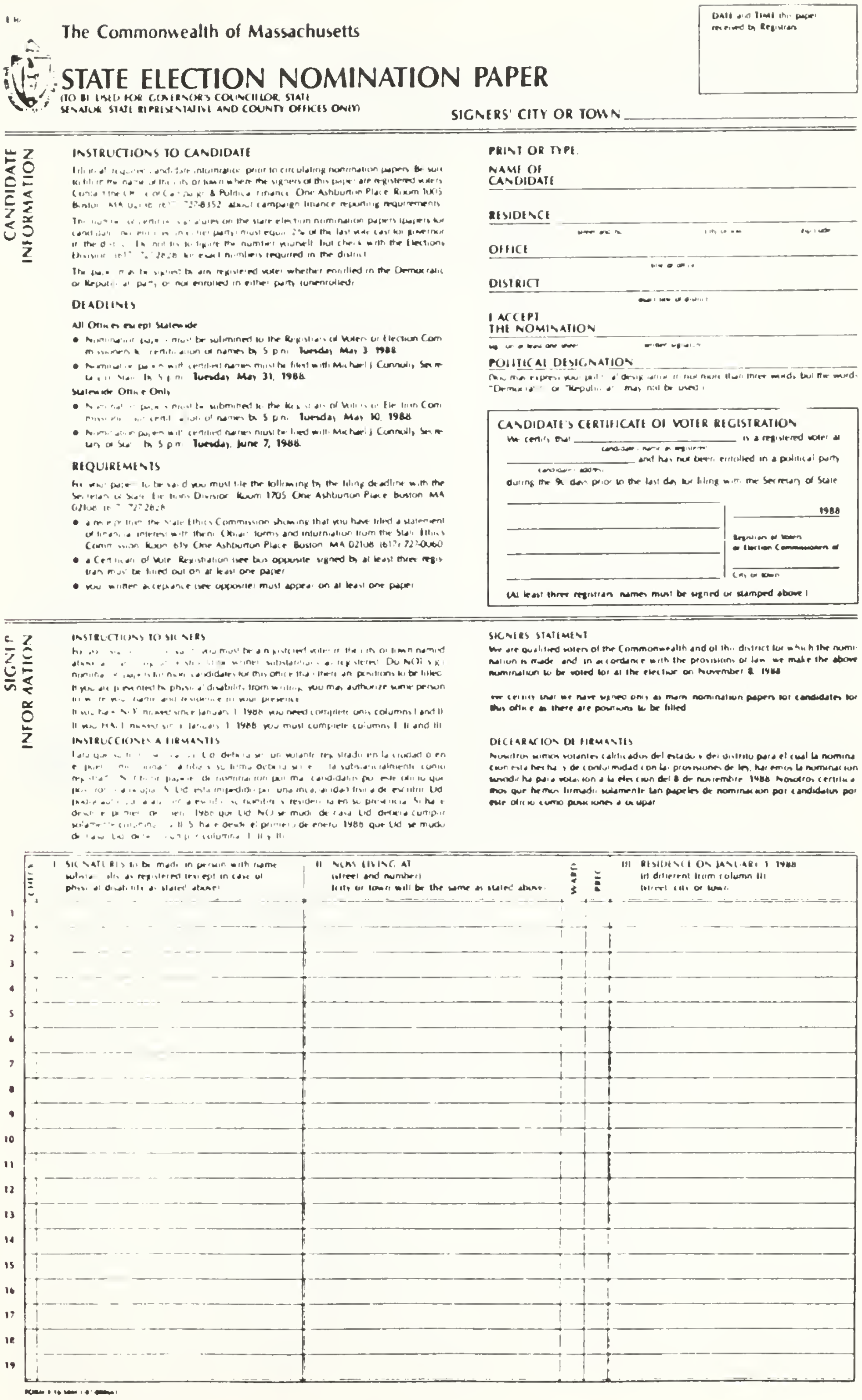
FORM E-15B [illegible]

SAMPLE

FORM E-16 - YELLOW - 12" X 19"

(FRONT)



E-16

The Commonwealth of Massachusetts

STATE ELECTION NOMINATION PAPER

(TO BE USED FOR GOVERNOR'S COUNCILLOR, STATE SENATOR, STATE REPRESENTATIVE AND COUNTY OFFICES ONLY)

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ______________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters. Contact the Office of Campaign & Political Finance, One Ashburton Place, Room 1005, Boston, MA 02108 (617) 727-8352 about campaign finance reporting requirements.

The number of certified signatures on the state election nomination papers (papers for candidates not enrolled in either party) must equal 2% of the last vote cast for governor in the district. Do not try to figure the number yourself but check with the Elections Division (617) 727-2828 for exact numbers required in the district.

The paper may be signed by any registered voter whether enrolled in the Democratic or Republican party or not enrolled in either party (unenrolled).

DEADLINES

All Offices except Statewide

- Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m. **Tuesday, May 3, 1988.**
- Nomination papers with certified names must be filed with Michael J. Connolly, Secretary of State, by 5 p.m. **Tuesday, May 31, 1988.**

Statewide Office Only

- Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m. **Tuesday, May 10, 1988.**
- Nomination papers with certified names must be filed with Michael J. Connolly, Secretary of State, by 5 p.m. **Tuesday, June 7, 1988.**

REQUIREMENTS

For your papers to be valid you must file the following by the filing deadline with the Secretary of State, Elections Division, Room 1705, One Ashburton Place, Boston, MA 02108 (617) 727-2828:

- a receipt from the State Ethics Commission showing that you have filed a statement of financial interest with them. Obtain forms and information from the State Ethics Commission, Room 619, One Ashburton Place, Boston, MA 02108 (617) 727-0060.
- a Certificate of Voter Registration (see box opposite) signed by at least three registrars must be filled out on at least one paper.
- your written acceptance (see opposite) must appear on at least one paper.

PRINT OR TYPE.

NAME OF CANDIDATE ______________________

RESIDENCE ______________________
street and no. — city or town — zip code

OFFICE ______________________
title of office

DISTRICT ______________________
exact title of district

I ACCEPT THE NOMINATION ______________________
sign on at least one sheet — written signature

POLITICAL DESIGNATION ______________________
(You may express your political designation in not more than three words but the words "Democratic" or "Republican" may not be used.)

CANDIDATE'S CERTIFICATE OF VOTER REGISTRATION

We certify that ______________________ is a registered voter at
candidate's name as registered

______________________ and has not been enrolled in a political party
candidate's address

during the 90 days prior to the last day for filing with the Secretary of State.

____

____

____

____

______________________ 1988

Registrars of Voters or Election Commissioners of

____
City or town

(At least three registrars' names must be signed or stamped above.)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid you must be a registered voter in the city or town named above and your signature must be written substantially as registered. Do NOT sign more nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988, you need complete only columns I and II.

If you HAVE moved since January 1, 1988, you must complete columns I, II and III.

INSTRUCCIONES A FIRMANTES

Para que su firma sea valida, Ud. debería ser un votante registrado en la ciudad o en el pueblo nombrado arriba y su firma debería ser escrita substancialmente como registrado. No firme más papeles de nominación por más candidatos por este oficio que posiciones a ocupar. Si Ud. está impedido por una incapacidad física de escribir, Ud. puede autorizar a alguien a escribir su nombre y residencia en su presencia. Si hace desde el primero de enero 1988 que Ud. NO se mudó de casa, Ud. debería cumplir solamente columnas I y II. Si hace desde el primero de enero 1988 que Ud. se mudó de casa, Ud. debería cumplir columnas I, II y III.

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of the district for which the nomination is made, and in accordance with the provisions of law, we make the above nomination to be voted for at the election on November 8, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito para el cual la nominación está hecha y de conformidad con las provisiones de ley, haremos la nominación susodicha para votación a la elección del 8 de noviembre, 1988. Nosotros certificamos que hemos firmado solamente tan papeles de nominación por candidatos por este oficio como posiciones a ocupar.

	CHECK	I. SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II. NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III. RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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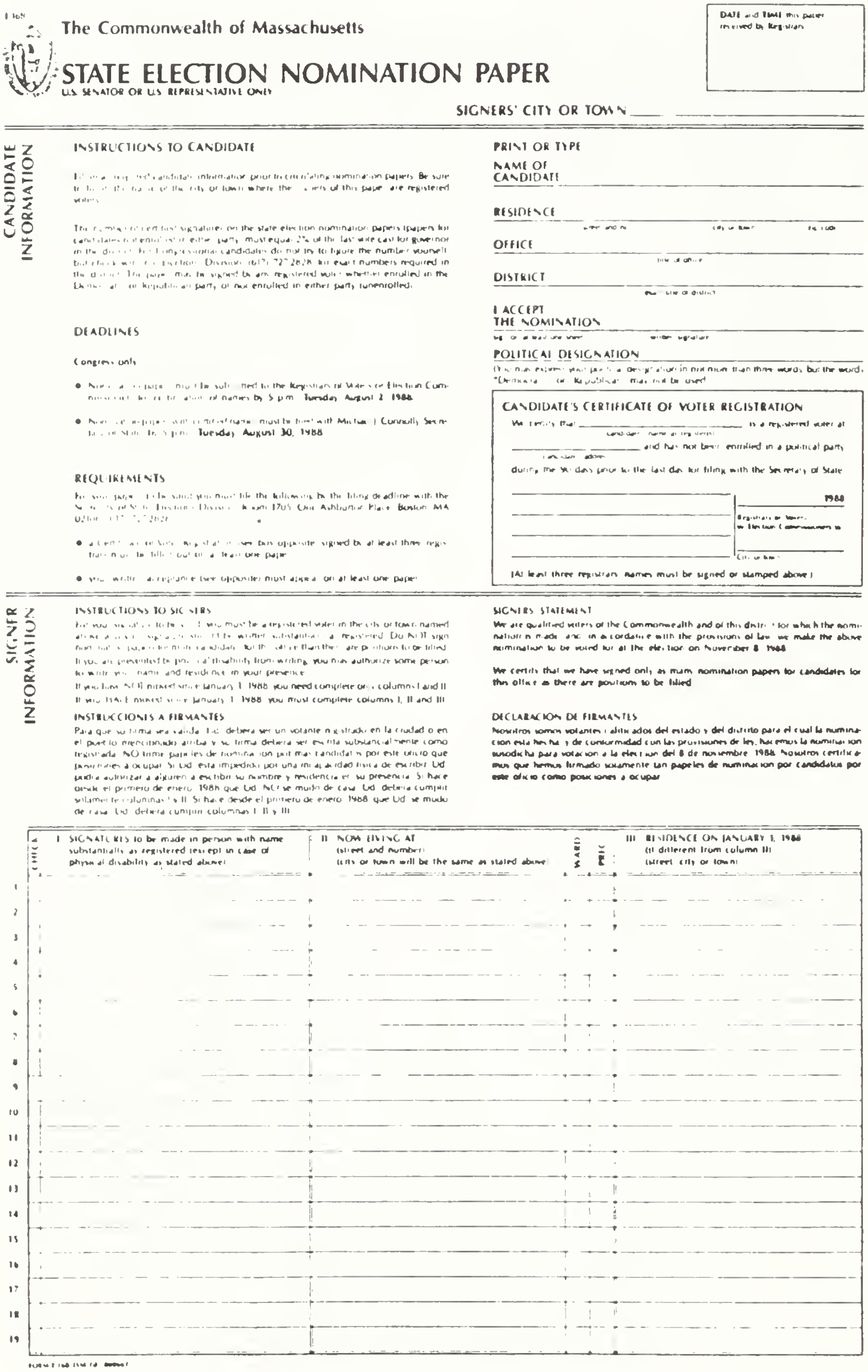
FORM E-16 [illegible]

SAMPLE

FORM E-16B - GREEN - 12" X 19"

(FRONT)



E-16B

The Commonwealth of Massachusetts

STATE ELECTION NOMINATION PAPER

U.S. SENATOR OR U.S. REPRESENTATIVE ONLY

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ____________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

[illegible] candidate information prior to circulating nomination papers. Be sure [illegible] city or town where the signers of this paper are registered voters.

The [illegible] signatures on the state election nomination papers (papers for candidates [illegible] either party) must equal 2% of the last vote cast for governor in the [illegible]. Congressional candidates do not try to figure the number yourself but check with the Election Division (617) 727-2828 for exact numbers required in the [illegible]. The paper may be signed by any registered voter whether enrolled in the Democratic or Republican party or not enrolled in either party (unenrolled).

DEADLINES

Congress only

- [illegible] must be submitted to the Registrars of Voters or Election Commissioners [illegible] of names by 5 p.m. **Tuesday, August 2, 1988.**
- [illegible] must be filed with Michael J. Connolly, Secretary of State [illegible] 5 p.m. **Tuesday, August 30, 1988.**

REQUIREMENTS

[illegible] you must file the following by the filing deadline with the Secretary of State, Election Division, Room 1705, One Ashburton Place, Boston, MA 02108 [illegible]

- a Certificate of Voter Registration (see box opposite) signed by at least three registrars must be filled out on at least one paper
- your written acceptance (see opposite) must appear on at least one paper

PRINT OR TYPE

NAME OF CANDIDATE ______________________

RESIDENCE ______________________
street and no. / city or town / zip code

OFFICE ______________________
title of office

DISTRICT ______________________
title of district

I ACCEPT THE NOMINATION ______________________
written signature

POLITICAL DESIGNATION ______________________
(You may express your political designation in not more than three words, but the words "Democratic" or "Republican" may not be used)

CANDIDATE'S CERTIFICATE OF VOTER REGISTRATION

We certify that ______________________ is a registered voter at
candidate's name as registered

______________________ and has not been enrolled in a political party
residential address

during the 90 days prior to the last day for filing with the Secretary of State

______________________ ______________ 1988

______________________ Registrars of Voters or Election Commissioners in

______________________ ______________

______________________ City or town

(At least three registrars' names must be signed or stamped above.)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid you must be a registered voter in the city or town named above [illegible] signature should be written substantially as registered. Do NOT sign [illegible] candidates for the office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988 you need complete only columns I and II.
If you HAVE moved since January 1, 1988 you must complete columns I, II and III.

INSTRUCCIONES A FIRMANTES

Para que su firma sea valida Ud. debera ser un votante registrado en la ciudad o en el pueblo mencionado arriba y su firma debera ser escrita substancialmente como registrada. NO firme papeles de nominacion por mas candidatos por este oficio que posiciones a ocupar. Si Ud. esta impedido por una incapacidad fisica de escribir Ud. podra autorizar a alguien a escribir su nombre y residencia en su presencia. Si hace desde el primero de enero 1988 que Ud. NO se mudo de casa Ud. debera cumplir solamente columnas I y II. Si hace desde el primero de enero 1988 que Ud. se mudo de casa Ud. debera cumplir columnas I, II y III.

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of this district for which the nomination is made, and, in accordance with the provisions of law, we make the above nomination to be voted for at the election on November 8, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito para el cual la nominacion esta hecha y de conformidad con las provisiones de ley, hacemos la nominacion susodicha para votacion a la eleccion del 8 de noviembre 1988. Nosotros certificamos que hemos firmado solamente tan papeles de nominacion por candidatos por este oficio como posiciones a ocupar.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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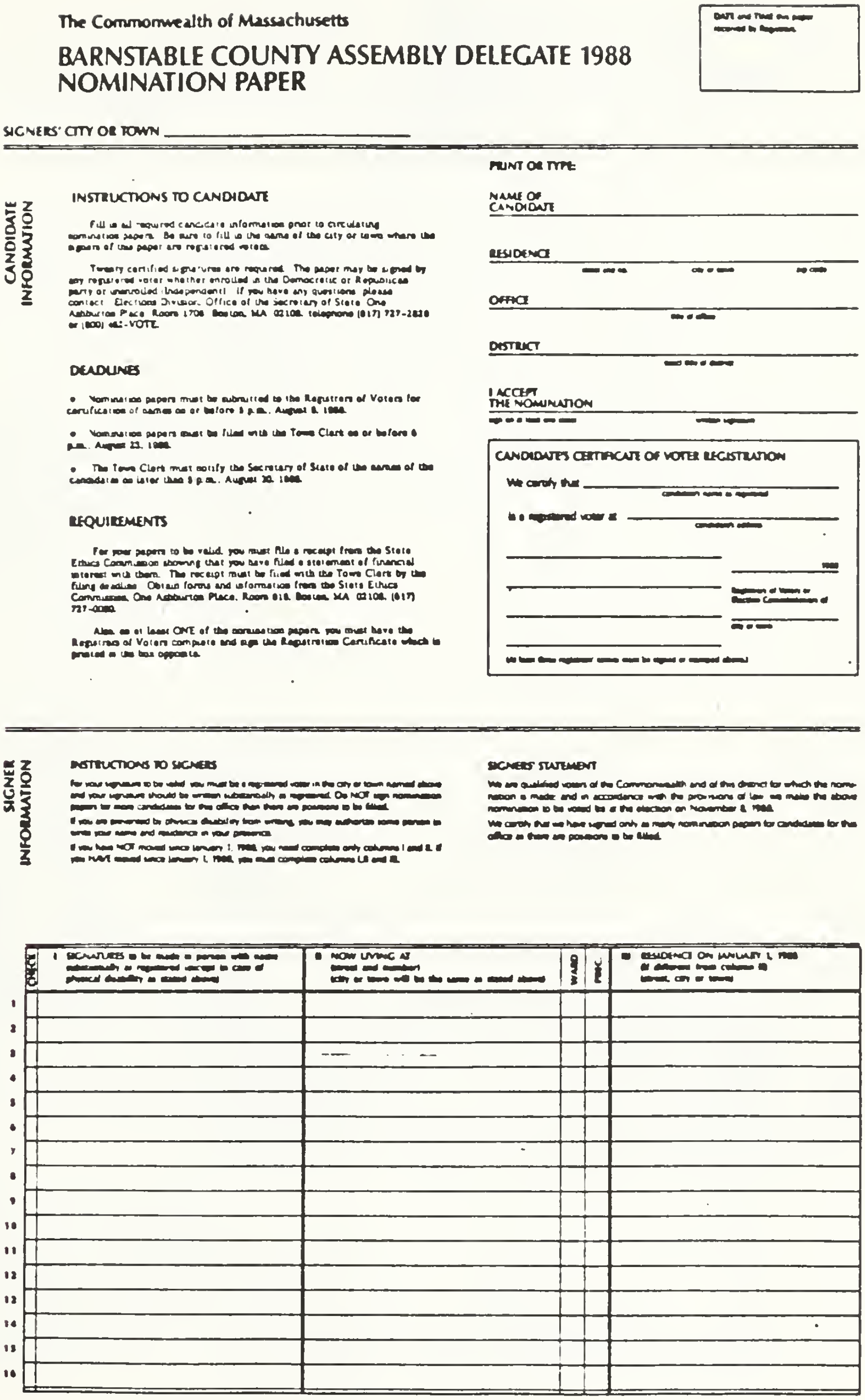
FORM E-16B [illegible]

SAMPLE

WHITE - 8½" X 14"

(FRONT)



The Commonwealth of Massachusetts

BARNSTABLE COUNTY ASSEMBLY DELEGATE 1988 NOMINATION PAPER

DATE and TIME this paper received by Registrars.

SIGNERS' CITY OR TOWN ______________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters.

Twenty certified signatures are required. The paper may be signed by any registered voter whether enrolled in the Democratic or Republican party or unenrolled (Independent). If you have any questions please contact: Elections Division, Office of the Secretary of State, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828 or (800) 462-VOTE.

DEADLINES

- Nomination papers must be submitted to the Registrars of Voters for certification of names on or before 5 p.m., August 9, 1988.
- Nomination papers must be filed with the Town Clerk on or before 5 p.m., August 23, 1988.
- The Town Clerk must notify the Secretary of State of the names of the candidates no later than 5 p.m., August 30, 1988.

REQUIREMENTS

For your papers to be valid, you must file a receipt from the State Ethics Commission showing that you have filed a statement of financial interest with them. The receipt must be filed with the Town Clerk by the filing deadline. Obtain forms and information from the State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108, (617) 727-0060.

Also, on at least ONE of the nomination papers, you must have the Registrars of Voters complete and sign the Registration Certificate which is printed in the box opposite.

PRINT OR TYPE:

NAME OF CANDIDATE ______________________

RESIDENCE ______________________
street and no. — city or town — zip code

OFFICE ______________________
title of office

DISTRICT ______________________
exact title of district

I ACCEPT THE NOMINATION ______________________
written signature

CANDIDATE'S CERTIFICATE OF VOTER REGISTRATION

We certify that ______________________
candidate's name as registered

is a registered voter at ______________________
candidate's address

______________________ ____________ 1988

______________________ Registrars of Voters or Election Commissioners of

______________________ ____________
city or town

____

(At least three registrars' names must be signed or stamped above.)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for the office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1988, you need complete only columns I and II. If you HAVE moved since January 1, 1988, you must complete columns I, II and III.

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of the district for which the nomination is made; and in accordance with the provisions of law we make the above nomination to be voted for at the election on November 8, 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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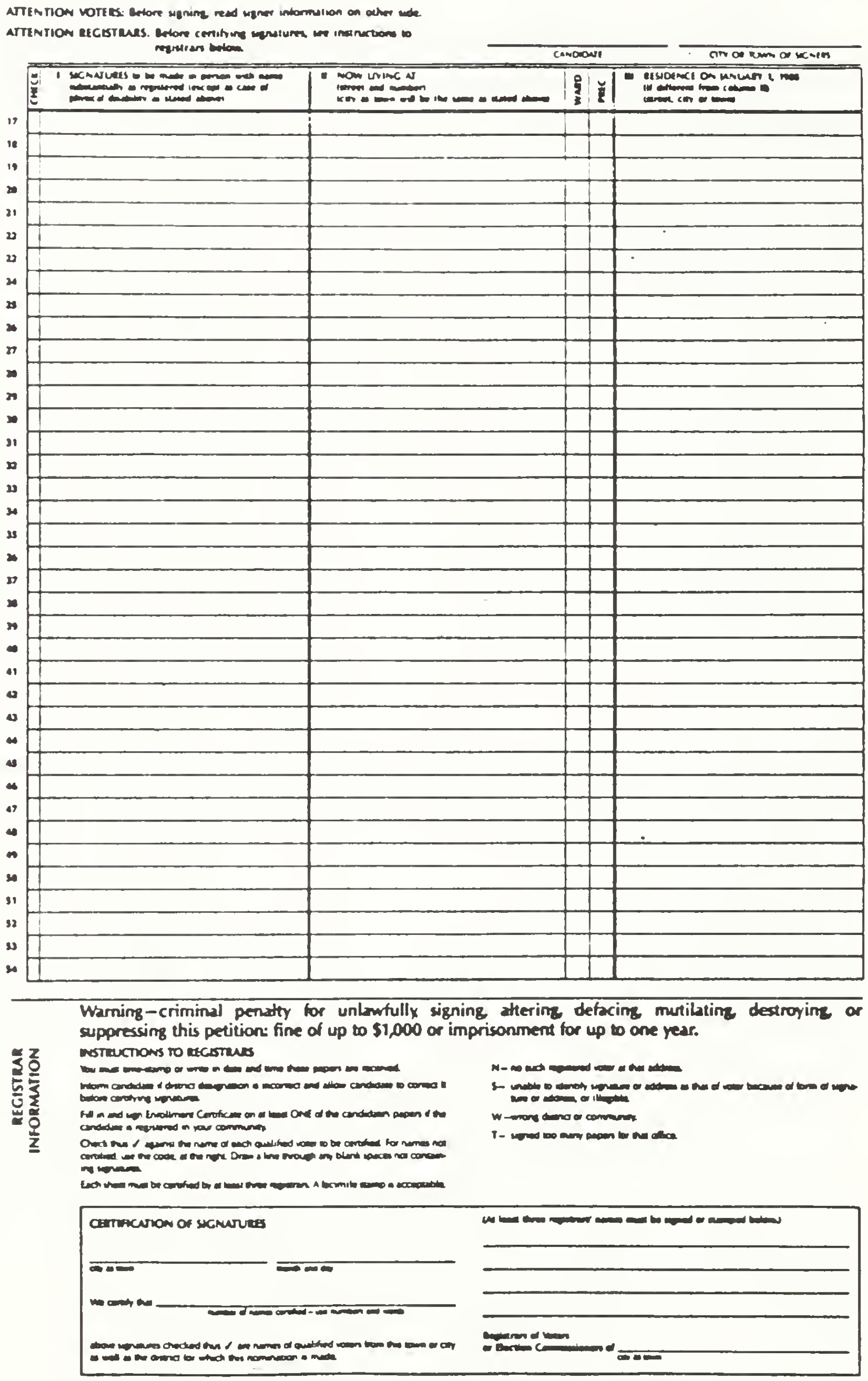
SAMPLE

WHITE - 8½" X 14"

(BACK)

(Barnstable County Assembly Delegate Nomination Paper)



ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS. Before certifying signatures, see instructions to registrars below.

CANDIDATE

CITY OR TOWN OF SIGNERS

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1988 (if different from column II) (street, city or town)
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REGISTRAR INFORMATION

Warning—criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Inform candidate if district designation is incorrect and allow candidate to correct it before certifying signatures.

Fill in and sign Enrollment Certificate on at least ONE of the candidate's papers if the candidate is registered in your community.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code, at the right. Draw a line through any blank spaces not containing signatures.

Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.

N – no such registered voter at that address.

S – unable to identify signature or address as that of voter because of form of signature or address, or illegible.

W – wrong district or community.

T – signed too many papers for that office.

CERTIFICATION OF SIGNATURES

(At least three registrars' names must be signed or stamped below.)

city or town

month and day

We certify that ______________________

number of names certified – use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or city as well as the district for which this nomination is made.

Registrars of Voters
or Election Commissioners of ______________________
city or town

CHART

REQUIREMENTS

CANDIDATES FOR FEDERAL, STATE AND COUNTY OFFICE

Age, residence, and signature requirements to run for state office

- You must be at least 18 years old (exceptions: U.S. Senator — 30 years old; Representative in Congress — 25 years old).
- You must be a registered voter in Massachusetts.
- You must fulfill the residence and signature requirements below.[1]

	Office	Residence requirements prior to date of the election	Signatures required for party primary nomination papers[2 3]
Federal	U.S. Senator *(30 years old)*	United States citizen for 9 years, inhabitant of Massachusetts when elected	10,000
	U.S. Congress *(25 years old)*	United States citizen for 7 years, inhabitant of Massachusetts when elected	2,000
State	Governor and Lieutenant Governor	7 years in Massachusetts	10,000
	Attorney General *(must be a member of Massachusetts bar)*	5 years in Massachusetts	10,000
	State Secretary	5 years in Massachusetts	5,000
	Treasurer and Receiver General	5 years in Massachusetts	5,000
	Auditor	5 years in Massachusetts	5,000
	Governor's Councillor	5 years in Massachusetts	1,000
	State Senator	5 years in Massachusetts, inhabitant of district when elected	300
	State Representative	one year in district	150
County	District Attorney[4] *(must be member of Massachusetts bar)*	resident in district	1,000
	County Commissioner[7] *(except Nantucket and Suffolk)*	(no requirement)	1,000[5 6]
	County Treasurer[4] *(except Nantucket and Suffolk)*	resident in district	1,000[5 6]
	Register of Deeds	resident in district	1,000[5 6]
	Clerk of Courts	(no requirement)	1,000[5 6]
	Register of Probate[4]	(no requirement)	1,000[5 6]
	Sheriff[4]	(no requirement)	1,000[5 6]

---

[1] *Independent or minor party candidates who run only in the state election require signatures on their nomination papers equal to 2% of the last vote cast for governor in that district. Check with the Elections Division for exact number required.*

[2] *Low signature requirement. When your political party's membership is very small in your election district, you may become a candidate in a primary without meeting the signature requirements stated above. If the number of signatures required on nomination papers is more than 10% of the total number of enrolled voters in your party in your district, you do not have to meet the usual requirement. Call the Elections Division for complete information.*

[3] *The state Democratic party charter requires a statewide Democratic party candidate to receive at least 15% of the vote on any ballot at the state nominating convention. For information, contact the Democratic State Committee, 11 Beacon Street, Boston, MA 02108, (617) [illegible]-4760.*

[4] *To fill vacancies only*

[5] *Dukes and Nantucket — Candidates for county offices need only 25 signatures.*

[6] *Barnstable, Berkshire, Franklin, Hampshire — Candidates for county offices except district attorney need only 500 signatures*

[7] *Not more than one commissioner may be elected from the same city or town in the county*

From "A CANDIDATE'S GUIDE TO STATE ELECTIONS" prepared by the Office of the Secretary of State, Elections Division

SAMPLE

CERTIFICATE OF CORRECTION

(Registrars' Letterhead)

Candidate's Name______________________________

Candidate's Address___________________________

Office_______________________________________

This is to certify that the Registrars of the Town of [name] have reviewed certain previously non-certified signatures appearing on the nomination papers of the above named candidate specified in an application for review filed in this office on [date] under the provisions of Chapter 55B, section 6. G.L. As a result of that review, the Registrars have determined that the following signatures should have been certified:

Paper Number	Signature Number	Voter's Name	Voter's Address
1	8	John Smith	2 Center Street
2	20	Frank L. Jones	591 Meadow Circle
4	10	Alice P. Brown	9A Parkview Terrace

____

____

TOWN SEAL

____

____

Registrars of [town]

Date____________________

1988 Massachusetts Election Calendar

CALENDAR OF EVENTS	DEADLINE DATES		
	All offices except statewide and Congress	**Statewide offices** *(and Congress, for party candidates only)*	**Federal offices only** *(Independent and minor party candidates)*
Nomination papers available	**February 16**	**February 16**	**February 16**
Last day for a person running in a state primary to enroll in a party or for a person running only in a state election to unenroll from a party, except for newly registered voters.	March 2	March 9	June 1
Registrars of Voters and Election Commissioners are required to hold meetings for certifying names on nomination papers.	April 26-May 3 May 10-17	May 3, 10, 17, 24	July 26 August 2, 9, 16
5 p.m. last day and hour for submitting nomination papers to local Registrars of Voters and Election Commissioners for certification of signatures.	**May 3**	**May 10**	**August 2**
5 p.m. last day and hour for registrars to complete certification of signatures.	May 24	May 31	August 23
5 p.m. last day and hour for candidates to apply for review of non-certified signatures.	May 26	June 2	August 25
5 p.m. last day and hour for registrars to complete review of non-certified signatures.	May 27	June 6	August 29
5 p.m. last day and hour for filing nomination papers (including party enrollment or voter registration certificate and Ethics Commission receipt) with the Secretary of State.	**May 31**	**June 7**	**August 30**
5 p.m. last day and hour for filing withdrawals of or objections to nomination papers with the Secretary of State.	June 3	June 10	September 2
5 p.m. last day and hour for filling vacancies caused by withdrawals.	June 8	June 15	September 8
(Note: All dates and deadlines are the same for all candidates from here on)			
Required Saturday voter registration 9 a.m. to 5 p.m.		August 13	
Last day to register voters for the State Primaries and to change party enrollment - 9 a.m. to 10 p.m. except in towns under 300 voters - at least 2 p.m. to 4 p.m. and 7 p.m. to 10 p.m.		August 18	
STATE PRIMARIES		September 15	
5 p.m. last day and hour for filing withdrawals of or objections to nominations at the State Primaries.		September 21	
5 p.m. last day and hour for filling vacancies caused by withdrawals at the State Primaries.		September 26	
5 p.m. last day and hour for filing a written acceptance by write-in or sticker candidates who won a state primary.		September 28	
Required Saturday voter registration 9 a.m. to 5 p.m.		October 1	
Last day to register voters for the State Election.		October 11	
STATE ELECTION		November 8	

From "A CANDIDATE'S GUIDE TO STATE ELECTIONS" prepared by the office of the Secretary of Sstate, Elections Division

SAMPLE RECEIPTS

Office of the Massachusetts Secretary of State — Michael J. Connolly, *Secretary*

RECEIPT FOR NOMINATION PAPERS

DATE: ____________ PARTY: ____________

CANDIDATE'S NAME: ____________

OFFICE: ____________ DISTRICT: ____________

SIGNATURES NEEDED: ____________ CERTIFIED SIGNATURES FILED: ____________

CANDIDATE'S STATEMENT: ____________

____

BALLOT STATUS:

- ☐ On ballot unless otherwise notified
- ☐ Not yet on ballot: Reason: ____________
- ☐ Undetermined: Reason: ____________

CHECKLIST:

- ☐ Written Acceptance
- ☐ Enrollment Certificate
- ☐ Ethics Receipt

FILED BY: ____________ DAYTIME PHONE: ____________ REC'D BY: ____________

RESIDENTIAL ADDRESS: ____________

COMMONWEALTH OF MASSACHUSETTS — OFFICE OF THE SECRETARY OF STATE
MICHAEL JOSEPH CONNOLLY, *Secretary*

RECEIPT FOR WARD OR TOWN COMMITTEE NOMINATION PAPER

CITY or TOWN: ____________ WARD (in cities) ____________ PARTY: ____________

FIRST CANDIDATE'S NAME: ____________

NO. TO BE ELECTED: ____________ NO. OF CANDIDATES ON PAPER: ____________

SIGNATURES NEEDED: 5 CERTIFIED SIGNATURES FILED: ____________

BALLOT STATUS:

- ☐ On ballot unless otherwise notified
- ☐ Not yet on ballot: Reason: ____________
- ☐ Undetermined: Reason: ____________

CHECKLIST:

- ☐ Written Acceptance
- ☐ Enrollment Certificate

Filed by: ____________

Residential Address: ____________

Daytime Phone: ____________ Date: ____________ Rec'd by: ____________

SAMPLE

WITHDRAWAL REQUEST

COMMONWEALTH OF MASSACHUSETTS
MICHAEL JOSEPH CONNOLLY
SECRETARY OF THE COMMONWEALTH

ELECTIONS DIVISION
ONE ASHBURTON PLACE, ROOM 1705
BOSTON, MA 02108

WITHDRAWAL OF NOMINATION

Complete this statement, have your signature notarized, and file this form with the Secretary of the Commonwealth no later than the withdrawal deadline.

I, ______________________________, having been nominated as a
(name of candidate)

candidate for the office of ________________________ in the
(title of office)

___________________________ district under the party or
(title of district)

political designation _____________________________________
(party or political designation)

request that my name be withdrawn from such nomination.

____
(signature)

____
(residence)

____
(city or town) (date)

TO BE FILLED IN BY NOTARY PUBLIC

The above named _______________________________ personally
(name of candidate)

appeared before me and acknowledged signing this request of his or her own volition.

____
(notary public)

SAMPLE

FORM E2-A - YELLOW - 12" X 19"

(FRONT)

DATE and TIME this paper received by Registrars ______________

[illegible]

The Commonwealth of Massachusetts

Presidential Primary Nomination Paper
PRESIDENT OF THE UNITED STATES

PARTY ______________________

SIGNERS' CITY OR TOWN ______________________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE
Fill in all required candidate information before circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters

DEADLINES
Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m., Monday, December 21, 1987.

Nomination papers must be filed with the Secretary of State by 5 p.m., Monday, January 4, 1988.

REQUIREMENTS
Candidate must sign the acceptance of nomination on at least one nomination paper. For papers to be valid, the signatures of at least 2,500 registered voters must be certified. Signers must be either enrolled in your party or not enrolled in either party. At least three Registrars of Voters must sign the Certification of Signatures on the reverse side of each sheet.

PRINT OR TYPE:

NAME OF CANDIDATE ______________________

Residence ______________________
street and no — city or town — zip code

Office: PRESIDENT OF THE UNITED STATES

I accept the nomination ______________________
sign on at least one sheet — written signature

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS
For your signature to be valid you must be a registered voter in the city or town named above. Your signature should be written substantially as registered. Do NOT sign nomination papers for more than one candidate for this office.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1987, complete only columns I & II.

If you HAVE moved since January 1, 1987, you must complete columns I, II and III.

INSTRUCCIONES PARA FIRMANTES
Para que su firma sea valida, usted debe ser un votante registrado en la ciudad o en el pueblo susodicho. La firma debe ser tal como aparece en el registro electoral.

Si usted tiene un impedimento físico que no le permite escribir, podrá autorizar a otra persona escribir el nombre y domicilio propios en presencia suya.

Si usted NO se múdo desde el primero de enero de 1987, complete solamente las columnas I y II.

En el caso de que usted se haya mudado desde el primero de enero de 1987, debe cumplir las columnas I, II y III.

SIGNERS' STATEMENT
We are qualified voters of the Commonwealth and we are either enrolled in the party whose nomination the candidate seeks or not enrolled in any party. In accordance with the provisions of law, we make the above nomination for President of the United States to be voted for at the presidential primaries to be held in 1988.

We certify that we have signed only one nomination paper for this office.

DECLARACION DE FIRMANTES
Nosotros somos votantes calificados del estado y somos registrados en el partido cuya nominación el candidato busca o no registrados en ningún partido. De acuerdo con las provisiones de la ley, hacemos la nominación susodicha por Presidente de los Estados Unidos para votación a los comicios primarios presidenciales en 1988.

Nosotros certificamos que hemos firmado sólo un papel de nominacion pará este cargo oficial.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1987. (if different from column II) (street and number, city or town)
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SAMPLE

FORM E2-A - YELLOW - 12" X 19"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars, below

____
candidate

____
city or town of signers

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1987. (if different from column II) (street and number, city or town)
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Warning — criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code at the right. Draw a line through any blank spaces not containing signatures. Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.

N — no such registered voter at that address.
S — unable to identify signature or address as that of voter because of form of signature or address, or illegible
D or R — enrolled in other party. Use initial of party in which enrolled.
W — wrong community.
T — signed too many papers for that office.

CERTIFICATION OF SIGNATURES

________________ ________________
city or town month and day

We certify that ____________________
number of names certified — use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or city. The voters are either enrolled in the party whose nomination the candidate seeks, or not enrolled in any party.

(At least three registrars names must be signed or stamped below.)

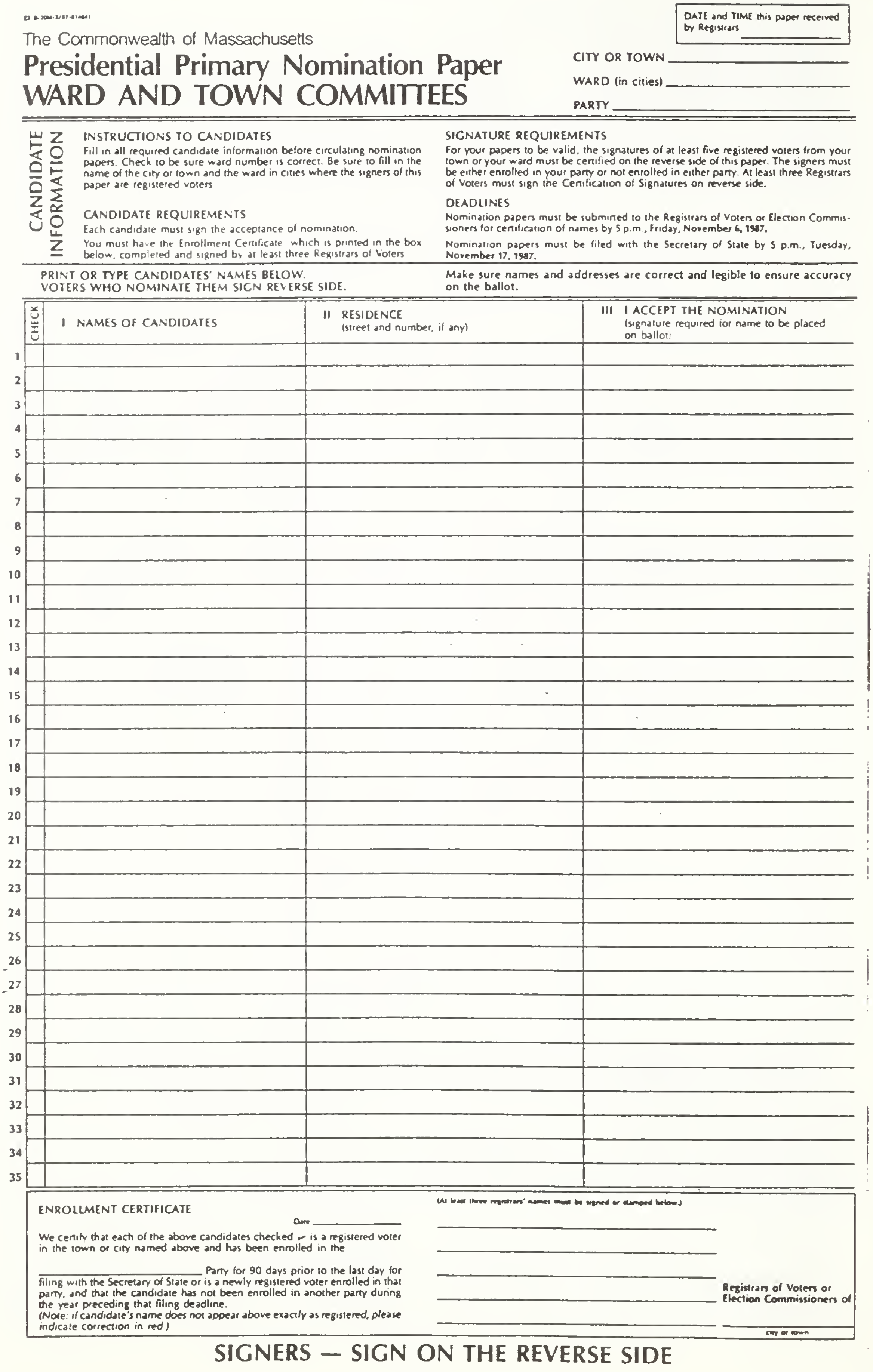
____
____
____
____

Registrars of Voters
or Election Commissioners of ________________
city or town

SAMPLE

FORM E2-B - WHITE - 12" X 19"

(FRONT)



E2 B-20M-3/87-814841

DATE and TIME this paper received by Registrars ______

The Commonwealth of Massachusetts

Presidential Primary Nomination Paper WARD AND TOWN COMMITTEES

CITY OR TOWN ______

WARD (in cities) ______

PARTY ______

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATES

Fill in all required candidate information before circulating nomination papers. Check to be sure ward number is correct. Be sure to fill in the name of the city or town and the ward in cities where the signers of this paper are registered voters

CANDIDATE REQUIREMENTS

Each candidate must sign the acceptance of nomination.

You must have the Enrollment Certificate which is printed in the box below, completed and signed by at least three Registrars of Voters

SIGNATURE REQUIREMENTS

For your papers to be valid, the signatures of at least five registered voters from your town or your ward must be certified on the reverse side of this paper. The signers must be either enrolled in your party or not enrolled in either party. At least three Registrars of Voters must sign the Certification of Signatures on reverse side.

DEADLINES

Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m., Friday, **November 6, 1987.**

Nomination papers must be filed with the Secretary of State by 5 p.m., Tuesday, **November 17, 1987.**

PRINT OR TYPE CANDIDATES' NAMES BELOW.
VOTERS WHO NOMINATE THEM SIGN REVERSE SIDE.

Make sure names and addresses are correct and legible to ensure accuracy on the ballot.

	CHECK	I NAMES OF CANDIDATES	II RESIDENCE (street and number, if any)	III I ACCEPT THE NOMINATION (signature required for name to be placed on ballot)
1				
2				
3				
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ENROLLMENT CERTIFICATE

Date ______

We certify that each of the above candidates checked ✓ is a registered voter in the town or city named above and has been enrolled in the

______ Party for 90 days prior to the last day for filing with the Secretary of State or is a newly registered voter enrolled in that party, and that the candidate has not been enrolled in another party during the year preceding that filing deadline.

(Note: if candidate's name does not appear above exactly as registered, please indicate correction in red.)

(At least three registrars' names must be signed or stamped below.)

______

______

______

______

______

Registrars of Voters or Election Commissioners of

______
city or town

SIGNERS — SIGN ON THE REVERSE SIDE

SAMPLE

FORM E2-B - WHITE - 12" X 19"

(BACK)

ATTENTION VOTERS: Sign below to nominate candidates for town or ward committee.
Before signing, read signer information below.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars, below.

____
city or town

____
ward (in cities)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the ward or town named below. Your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1987, complete only columns I & II.

If you HAVE moved since January 1, 1987, you must complete columns I, II and III

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of the ward or town for which the nomination is made, and we are either enrolled in the party whose nomination the candidate seeks or not enrolled in any party. In accordance with the provisions of law, we make the above nominations for ward or town committee to be voted for at the presidential primaries to be held in 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea valida, usted debe ser un votante registrado en la ciudad o el pueblo susodicho. La firma debe ser tal como aparece en el registro electoral.

Si usted tiene un impedimento físico que no le permite escribir, podrá autorizar a otra persona escribir el nombre y domicilio propios en presencia suya

Si usted NO se mudó desde el primero de enero de 1987, complete solamente las columnas I y II

En el caso de que usted se haya mudado desde el primero de enero de 1987, debe cumplir las columnas I, II y III

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito o pueblo para la cual la nominación se hace y somos registrados en el partido cuya nominación el candidato busca o no registrados en ningún partido. De acuerdo con las provisiones de la ley, hacemos las nominaciones susodichas para el comité del distrito o pueblo para votación a los comicios primarios presidenciales en 1988.

Nosotros certificamos que hemos firmado sólo el mismo número de papeles de nominación para los candidatos de este cargo cuantas posiciones a ocupar.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1987. (if different from column II) (street and number, city or town)
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Warning — criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

In cities, inform candidate if ward number is incorrect and allow candidate to correct it before certifying signatures.

On the front of this nomination paper check ✓ the name of each candidate whose name is certified. If candidate's name does not appear exactly as registered, please indicate correction on front in red. At least three registrars must sign the Enrollment Certificate on the reverse side. Each side must be certified by at least three registrars. A facsimile stamp is acceptable.

Check ✓ the name of each signer (above) whose name is certified. For names not certified, use the code at the right. At least three registrars must sign the Certification of Signatures below.

Draw a line through any blank spaces not containing signatures.

N —	no such registered voter at that address.
S —	unable to identify signature or address as that of voter because of form of signature or address, or illegible.
D or R —	enrolled in other party. Use initial of party in which enrolled.
W —	wrong ward or community.
T —	signed too many papers for that office.

CERTIFICATION OF SIGNATURES

____________________ ____________________
city or town month and day

We certify that ______________________________
number of names certified — use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or ward for which this nomination is made. The voters are either enrolled in the party whose nomination the candidate seeks, or not enrolled in any party.

(At least three registrars' names must be signed or stamped below.)

____

____

____

____

Registrars of Voters
or Election Commissioners of ____________________
city or town

SAMPLE

FORM E2-C - GREEN - 12" X 19"

(FRONT)

E2 C-1296-3/87-814841

The Commonwealth of Massachusetts

Presidential Primary Nomination Paper
STATE COMMITTEE

DATE and TIME this paper received by Registrars ____________

PARTY ____________

SIGNERS' CITY OR TOWN ____________

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information before circulating nomination papers. Check to be sure that the name of the senatorial district is correct. Be sure to fill in the name of the city or town where the signers of this paper are registered voters

DEADLINES

Nomination papers must be submitted to the Registrars of Voters or Election Commissioners for certification of names by 5 p.m., Friday, November 6, 1987.

Nomination papers must be filed with the Secretary of State by 5 p.m., Tuesday, November 17, 1987.

SIGNATURE REQUIREMENTS

For your papers to be valid the signatures of at least 50 registered voters from your district must be certified Signers must be either enrolled in your party or not enrolled in either party At least three Registrars of Voters must sign the Certification of Signatures on the reverse side

CANDIDATE REQUIREMENTS

You must sign your acceptance of nomination on at least one nomination paper

Also, on at least one paper you must have the Enrollment Certificate, which is printed in the box opposite, completed and signed by at least three Registrars of Voters

CANDIDATE'S STATEMENT OF PUBLIC OFFICE (OPTIONAL)

You may make a statement, below, in not more than eight words, of public offices you hold or have held, check with the Elections Division at (617) 727-2828 for the current law Use the word "former" if you are not an incumbent If you were elected as a state committee man or woman in 1984, you may include in your eight word statement the phrase "Candidate for re-election." If you are a veteran as defined in chapter 31, section 1 of the General Laws you may use the word "veteran."

____

____

____

PRINT OR TYPE:
NAME OF
CANDIDATE ____________

Residence ____________
street and no — city or town — zip code

Office: STATE COMMITTEE

Senatorial District ____________
exact name of senatorial district

I accept the nomination ____________
sign on at least one sheet — written signature

ENROLLMENT CERTIFICATE

Date ____________

We certify that ____________ is a registered voter at
candidate's name as registered

____________ and has been enrolled in the
candidate's address

____________ Party for 90 days prior to the last day for filing with the State Secretary or is a newly registered voter enrolled in that party, and that the candidate has not been enrolled in another party during the year preceding that filing deadline.

(At least three registrars' names must be signed or stamped below.)

____

____

____

____

Registrars of Voters or Election Commissioners of

____
city or town

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above Your signature should be written substantially as registered Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence

If you have NOT moved since January 1, 1987, complete only columns I & II.

If you HAVE moved since January 1, 1987, you must complete columns I, II and III.

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea valida usted debe ser un votante registrado en la ciudad o en el pueblo susodicho. La firma debe ser tal como aparece en el registro electoral

Si usted tiene un impedimento físico que no le permite escribir, podrá autorizar a otra persona escribir el nombre y domicilio propios en presencia suya

Si usted NO se múdo desde el primero de enero de 1987, complete solamente las columnas I y II.

En el caso de que usted se haya mudado desde el primero de enero de 1987, debe cumplir las columnas I, II y III

SIGNERS' STATEMENT

We are qualified voters of the Commonwealth and of the district for which the nomination is made; that we are either enrolled in the party whose nomination the candidate seeks or not enrolled in any party, and that in accordance with the provisions of law, we make the above nomination for state committee to be voted for at the presidential primary to be held in 1988.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

DECLARACION DE FIRMANTES

Nosotros somos votantes calificados del estado y del distrito para la cual la nominación se hace. Además, declaramos que somos registrados en el partido cuya nominación el candidato busca o no registrados en ningún partido, y que de acuerdo con las provisiones de la ley, hacemos la nominación susodicha para el comité estatal para votación a los comicios primarios presidenciales en 1988.

Nosotros certificamos que hemos firmado sólo tantos papeles de nominación para candidatos a este cargo oficial cuantas posiciones a ocupar.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1987. (if different from column II) (street and number, city or town)
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SAMPLE

FORM E2-C - GREEN - 12" X 19"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars, below

candidate ____________________

city or town of signers ____________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (street and number) (city or town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1987. (if different from column II) (street and number, city or town)
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Warning — criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Inform candidate if district designation is incorrect and allow candidate to correct it before certifying signatures.

Fill in and sign Enrollment Certificate on at least ONE of the candidate's papers if the candidate is registered in your community.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code, at the right. Draw a line through any blank spaces not containing signatures

Each sheet must be certified by at least three registrars A facsimile stamp is acceptable.

N —	no such registered voter at that address.
S —	unable to identify signature or address as that of voter because of form of signature or address, or illegible
D or R —	enrolled in other party. Use initial of party in which enrolled
W —	wrong district or community.
T —	signed too many papers for that office.

CERTIFICATION OF SIGNATURES

(At least three registrars names must be signed or stamped below.)

city or town ____________________ month and day ____________________

We certify that ____________________
number of names certified — use numbers and words

above signatures checked thus ✓ are names of qualified voters from this town or city as well as the district for which this nomination is made. The voters are either enrolled in the party whose nomination the candidate seeks, or not enrolled in any party

____

____

____

____

Registrars of Voters
or Election Commissioners of ____________________
city or town

SAMPLE

CERTIFICATE OF NOMINATION
TO FILL VACANCY AFTER PRIMARY

____
(city or town) (date)

We certify that, because __________________________________
(name of candidate who withdrew)

____
(address) (city or town)

who was nominated at the __________________ primary for
(party)

____
(office) (district)

has withdrawn, a meeting of the ___________________________
(state committee or delegates of

____ was held at:
ward and town committees comprising the district)

________________________ on _________________________
(address) (date)

The meeting made the following nomination to fill the vacancy:

____
(name of candidate nominated)

____
(address) (city or town)

Chairman of Meeting _____________________________________
(written signature)

____
(address) (city or town)

Secretary of Meeting ____________________________________
(written signature)

____
(address) (city or town)

- -

COMMONWEALTH OF MASSACHUSETTS

County __________________, ss. Date _____________________

Then personally appeared before me the above:

Chairman ______________________________________ and

Secretary __________________________________ and both made

oath that the above certificate which they signed is true.

Notary Public __________________

My Commission Expires: __________

I ACCEPT THE NOMINATION:

____
(written signature of candidate)

This certificate must be filed with the Elections Division no later than 5:00 p.m. of the ninth day after the state primary. A receipt from the State Ethics Commission, showing that the candidate nominated has filed a statement of financial interests with that Commission, must also be filed with the Elections Division by the same deadline.

SAMPLE FORM - OBJECTION TO NOMINATION

(SUGGESTED BY STATE BALLOT LAW COMMISSION)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

STATE BALLOT LAW COMMISSION
Docket No.

[Please print or type. You may use this form or prepare your own]

****

______________________________, Objector

v.

______________________________, Respondent

****

OBJECTION

[State below in detail the facts which provide each ground for the objection, and the relief sought. Use other side and additional pages if necessary]

____
Signature of objector or authorized representative

Name of objector	Name of authorized representative,if any
Voting address	Address
City or town, and zip	City or town, and zip
Telephone number	Telephone number

____
Date

Certificate of Service

I certify that on ________________________ (date) I served a copy of this objection on the respondent, ________________________, by registered or certified mail, return receipt requested, and on ________________________ (names of other parties,if any ____,

by ____.
(method of service)

Signed under the penalties of perjury

____

Please file with: Elections Division, Department of the State Secretary, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828. This objection will not be considered unless you also pay a $25 filing fee (pay to Cashier, Room 1715), and unless a certificate of voter registration, either at right or on a separate paper, has been completed, signed and filed.

THE COMMONWEALTH OF MASSACHUSETTS
CERTIFICATE OF VOTER REGISTRATION

We certify that

____
(name of objector)
is a registered voter at

____
(voting address: street and

____
number, ward and precinct)

____
Clerk of Board of Registrars of Voters or Election Commissioners of

____
(city or town)

SAMPLE

COUNTY CHARTER COMMISSION NOMINATION PAPER

WHITE - 11" X 17"

(FRONT)

DATE and TIME this paper received by REGISTRARS

The Commonwealth of Massachusetts

STATE ELECTION NOMINATION PAPER

COUNTY CHARTER COMMISSION 1986

INSTRUCTIONS TO CANDIDATE - BE SURE YOU READ THE INSTRUCTION BOOKLET ISSUED WITH THESE NOMINATION PAPERS.

Fill in all required candidate information prior to circulating nomination papers. Be sure to fill in the name of the city or town where the signers of this paper are registered voters.

CANDIDATE'S CERTIFICATE OF VOTER REGISTRATION

We hereby certify that:

____
(candidate's name as registered)

is a registered voter at ______________________________

____

______________________ 19____

____

______________________ Registrars of Voters

______________________ ______________________
(city or town)

____
(at least three registrars' names must be signed or stamped above.)

DEADLINES

Nomination papers must be submitted to the Registrars of Voters for certification of names, on or before 5 p.m., July 29, 1986.

SIGNERS' TOWN ______________________

PRINT OR TYPE:

NAME OF CANDIDATE ______________________

RESIDENCE ______________________
(street & no.)

____
(town) (zip code)

DISTRICT ______________________
(district number or At-Large) (county)

I ACCEPT THE NOMINATION:

____
(written signature)

Nomination papers must be filed with the Secretary of State on or before 5 p.m., August 26, 1986.

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered. DO NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1986 you need complete only columns I and II.

If you HAVE moved since January 1, 1986 you must complete columns I, II and III.

SIGNERS' STATEMENT

We, the undersigned, are qualified voters of the Commonwealth and of the district for which the nomination is made: and in accordance with the provisions of law, we make the above nomination to be voted for at the state election on November 4, 1986.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

	I SIGNATURES to be made in person with name substantially as registered (except in the case of physical disability as stated above)	II NOW LIVING AT (street and number) (City or Town will be same as stated above)	WARD	PRECINCT	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)
1.					
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3.					
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19.					

SAMPLE

COUNTY CHARTER COMMISSION NOMINATION PAPER

WHITE - 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.
ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars, below.

CANDIDATE ______________________

CITY OR TOWN OF SIGNERS ______________________

I SIGNATURES to be made in person with name substantially as registered (except in the case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the the same as stated above)	WARD	PRECINCT	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)
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46.				

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Fill in and sign an enrollment certificate on at least ONE of the candidates's papers if the candidate is registered in your community.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code, opposite

N - no such registered voter at that address

S - unable to identify signature or address as that of voter because of form of signature or address, or illegible.

W - wrong district or community.

T - signed too many papers for that office.

CERTIFICATION OF SIGNATURES

(At least three registrars' names must be signed or stamped below)

______________________ ______________________
(town) month and day

We certify that ______________________
(number of names certified)

above signatures checked thus ✓ are names of qualified voters from this city or town.

____

____

____

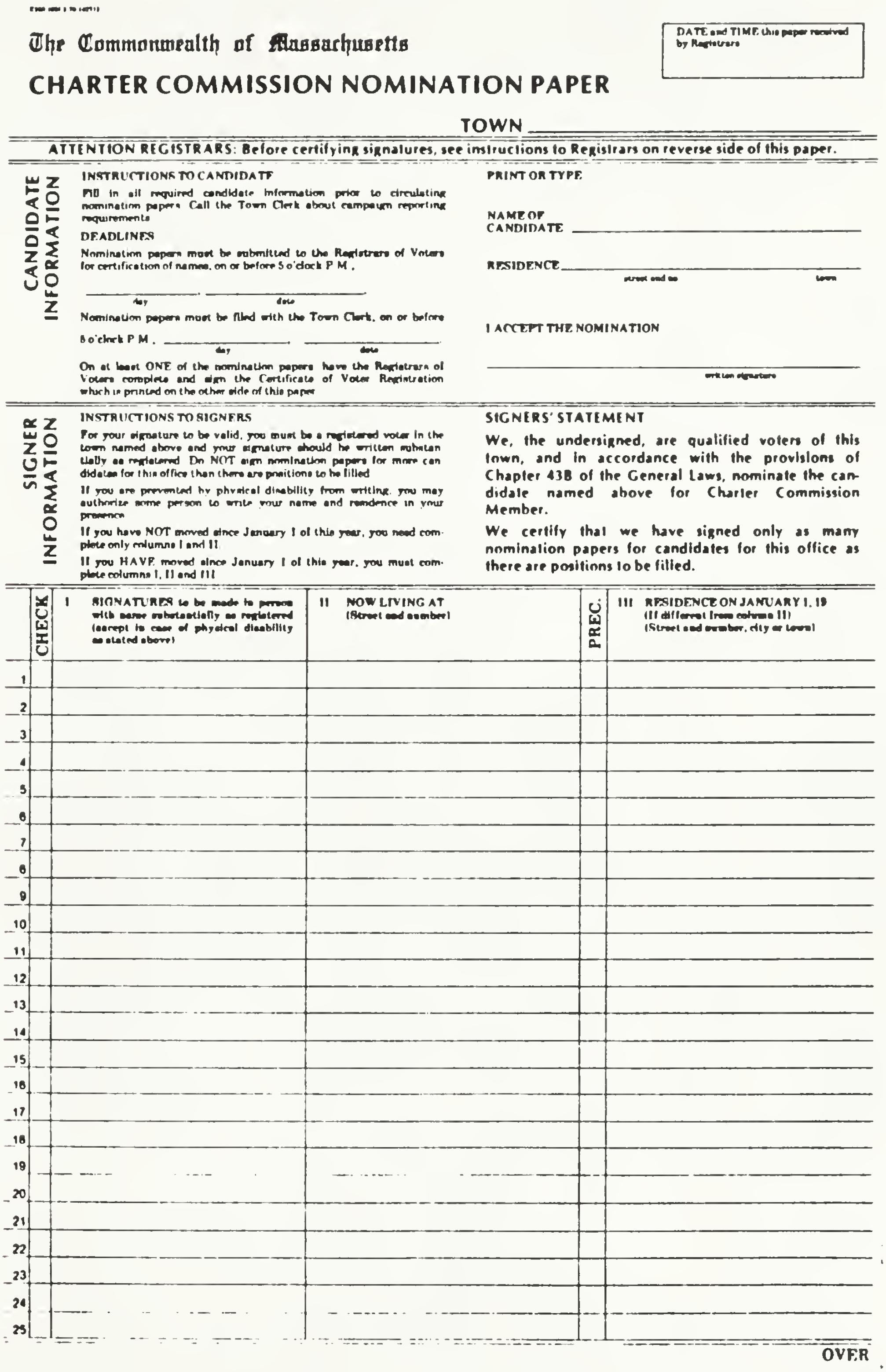
____
REGISTRARS OF VOTERS

____
(CITY OR TOWN)

SAMPLE

FORM E-258 - WHITE - 11" X 17"

(FRONT)



The Commonwealth of Massachusetts

CHARTER COMMISSION NOMINATION PAPER

DATE and TIME this paper received by Registrars

TOWN ____________

ATTENTION REGISTRARS: Before certifying signatures, see instructions to Registrars on reverse side of this paper.

CANDIDATE INFORMATION

INSTRUCTIONS TO CANDIDATE

Fill in all required candidate information prior to circulating nomination papers. Call the Town Clerk about campaign reporting requirements.

DEADLINES

Nomination papers must be submitted to the Registrars of Voters for certification of names, on or before 5 o'clock P.M.,

____________ day ____________ date

Nomination papers must be filed with the Town Clerk, on or before

5 o'clock P.M., ____________ day ____________ date

On at least ONE of the nomination papers have the Registrars of Voters complete and sign the Certificate of Voter Registration which is printed on the other side of this paper.

PRINT OR TYPE

NAME OF CANDIDATE ____________

RESIDENCE ____________ street and no. ____________ town

I ACCEPT THE NOMINATION

____________ written signature

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered. Do NOT sign nomination papers for more candidates for this office than there are positions to be filled.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, you need complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNERS' STATEMENT

We, the undersigned, are qualified voters of this town, and in accordance with the provisions of Chapter 43B of the General Laws, nominate the candidate named above for Charter Commission Member.

We certify that we have signed only as many nomination papers for candidates for this office as there are positions to be filled.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19 (If different from column II) (Street and number, city or town)
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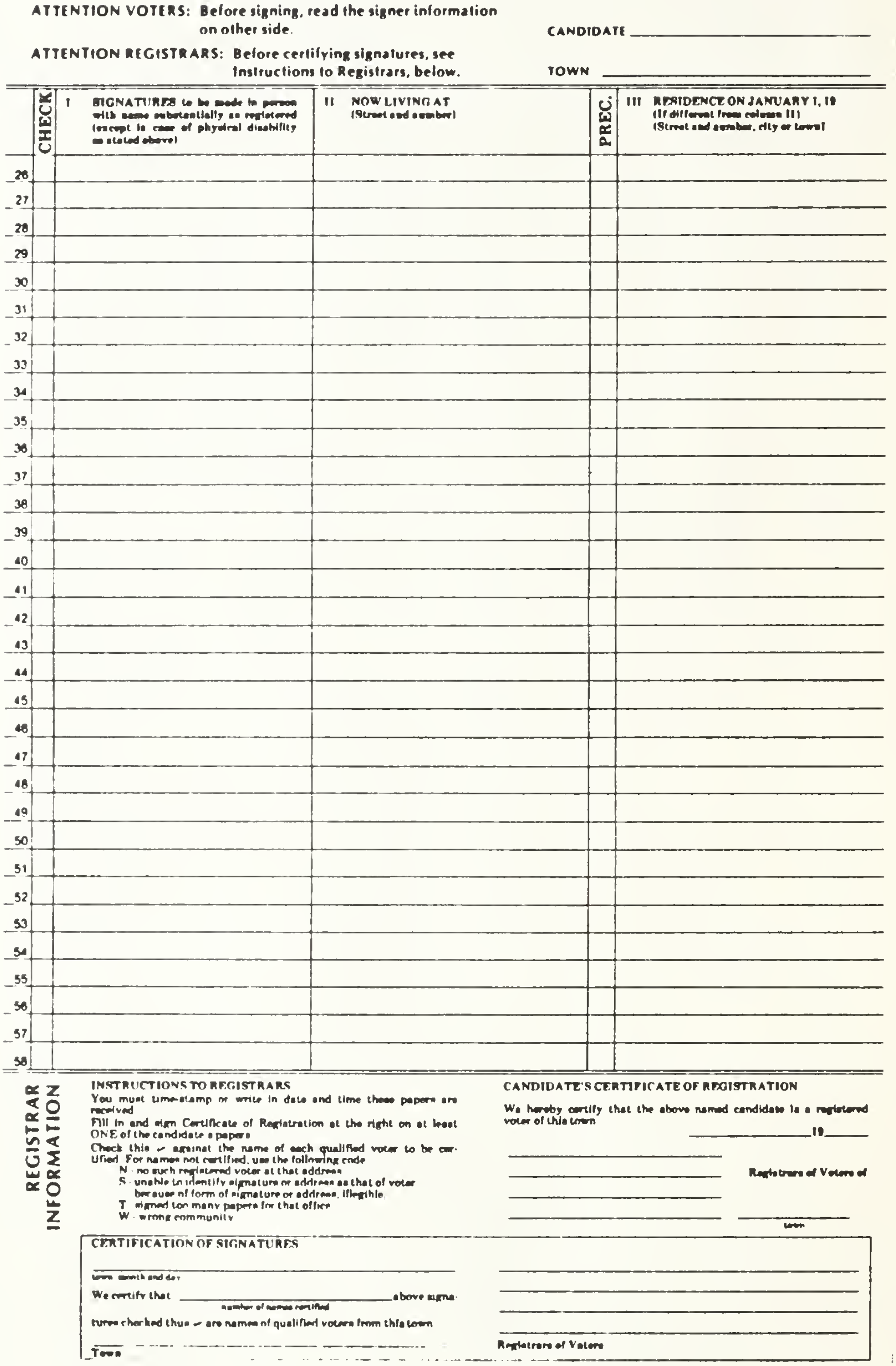
OVER

SAMPLE

FORM E-258 - WHITE - 11" X 17"

(BACK)



ATTENTION VOTERS: Before signing, read the signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

CANDIDATE ______________________

TOWN ______________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and number)	PREC.	III RESIDENCE ON JANUARY 1, 19 (If different from column II) (Street and number, city or town)
26					
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REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received

Fill in and sign Certificate of Registration at the right on at least ONE of the candidate's papers

Check this ✓ against the name of each qualified voter to be certified. For names not certified, use the following code

N - no such registered voter at that address
S - unable to identify signature or address as that of voter because of form of signature or address, illegible.
T - signed too many papers for that office
W - wrong community

CANDIDATE'S CERTIFICATE OF REGISTRATION

We hereby certify that the above named candidate is a registered voter of this town

______________ 19______

____

______________________ Registrars of Voters of

____

______________________ ______________
town

CERTIFICATION OF SIGNATURES

____
town, month and day

We certify that ______________ above signa-
number of names certified

tures checked thus ✓ are names of qualified voters from this town

____
Town

____

____

____

____
Registrars of Voters

4
PETITIONS

I. GENERAL

There are several types of petitions permitted by the Massachusetts Constitution and the General Laws. Most petitions permit a specified number of registered voters to require that a question be placed on either the state election or an annual town election ballot. Some petitions relate to placing an article on an annual or special town meeting warrant, to calling a special town meeting or to calling a special town election.

NOTE: For information on recount petitions, see AFTER ELECTION DAY, XI. RECOUNTS in Volume 4 of this series.

The Regulations 950 CMR 55.00:Certification of Nomination Papers and Petitions, promulgated by the state secretary, apply to all types of petitions.

II. PETITIONS FOR STATE ELECTION BALLOT QUESTIONS

The following petitions require questions to be placed on the state election ballot.

NOTE: A question asking the voters whether or not the General Court should ratify a proposed amendment to the federal constitution may not be placed on a state election ballot by petition. 53:18 declares it a policy of the commonwealth that the general court, when called upon to act upon a proposed amendment to the federal constitution, shall defer action until the opinion of the voters has been taken relative to the wisdom and expediency of ratifying the same. If the general court does not ratify an amendment at the session at which it was submitted, a question is to appear on the ballot at the next state election if one occurs before the next regular session of the general court. Otherwise it is to appear on the ballot at a special or regular election as ordered by the general court. The text of the question is prescribed in 53:18 as follows:

> *Is it desirable that the proposed amendment to the*
> *constitution of the United States (describing the same)*
> *be ratified by the general court?*

NOTE: Procedures which appear in the Massachusetts Constitution amendment articles shown in the reference following the title of sections of this manual related to initiative and referendum petitions but which do not appear in the General Laws are indicated by *[M.C.]*.

A. INITIATIVE PETITION FOR A LAW [Mass. Const., Amend. Art. 48,74,81; 53:7,22A]

The Massachusetts Constitution provides that the people shall reserve to themselves the popular initiative which is the power of a specified number of voters to submit laws to the people for approval or rejection.

The initiative petition for a law, properly signed, certified and filed, must be transmitted to the General Court for action on the law to which the petition relates. If the General Court fails to approve or to take action on the law, the voters may require that a question related to the proposed law is placed on the state election ballot by obtaining a sufficient number of additional signatures on the initiative petition.

The following procedures apply to an initiative petition for a law.

1. Original Petition

a. petition form

Ten registered voters of the commonwealth may draw up and sign an original petition containing the full text of a proposed law. [M.C.] The form for the original petition is not specified in the Constitution or in the General Laws.

The state secretary does not prepare or provide a form for an original petition. The petition would be in the same form as that used for filing a bill in the General Court and information may be obtained in the booklet, *Citizen's Guide to Drafting Legislation*, available at the state book store. The ten registered voters may also consult a lawyer for assistance in drafting the petition.

A separate petition should be drafted for each separate law proposed even if the petitions are signed by the same ten registered voters.

b. certificates of voter registration [53:22A]

Each of the 10 voters who sign the original petition must obtain a certificate of voter registration from the registrars of the town in which he is registered.

The form of the certificate is not specified in the General Laws. It may be in the same form as that for candidates appearing on town nomination papers. (see sample voter registration certificate on the back of Form E-229 on page 275) Note that the 10 voters may be enrolled in either party or not enrolled and party enrollment does not appear on the certificate.

The certificate must be signed by at least a majority of the registrars. A signature stamp may be used. The Elections Division advises that the registrars formally vote to authorize the town clerk or an appropriate employee to use the signature stamp to avoid questions being raised about the validity of the certificate. (see *The Public Recorder*, August 1988).

c. attorney general to approve a petition [M.C.]

The completed and signed petition and the certificate of voter registration for each petitioner must be submitted to the attorney general by the first Wednesday in August.

A petition may be submitted by the deadline in any year. If a petition is submitted in an odd numbered year, the question may appear on the ballot at the state election in the next year. However, if submitted in an even numbered year, the question may not appear on the ballot until the second year following submission. For example, if a petition were submitted by August 3, 1988, the question could not appear on the ballot until the 1990 state election. However the question could appear on the ballot at the 1990 state election, if a petition were submitted by August 2, 1989.

The attorney general determines if the proposed law and title are in proper form and whether or not the subject of the proposed law is excluded from the initiative petition process by the Constitution. The Constitution excludes anything related to religion, judges, courts, specific appropriations, particular localities within the commonwealth and certain provisions of the declaration of rights of the Massachusetts Constitution. In addition, the petition must not be substantially the same as a petition which appeared on the ballot at either of the two preceding biennial state elections.

If the attorney general finds the petition acceptable, he prepares a summary and returns the summary together with the petition to the petitioners.

d. filing the petition [M.C.]

The petitioners must file both the approved petition and the attorney general's summary with the state secretary not earlier than the first Wednesday in September.

The petitioners' certificates of registration and a certificate prepared by the attorney general and addressed to the state secretary must also be filed with the approved petition.

2. Petition Form [M.C.; 53:22A] (see sample form E168J on page 427)

Within 14 days after receipt of the original petition and the other required documents, the state secretary must have the printed petition forms available to the petitioners. [53:22A] Petition forms must be obtained at the Elections Division, One Ashburton Place, Boston 02108. They are not provided to any city or town clerk for distribution.

A person must present written authorization from the original ten petitioners to obtain a supply of forms. The number of blank petition forms provided will be determined by the Elections Division.

These forms, entitled INITIATIVE PETITION FOR A LAW, contain the following:

- deadlines for submitting to registrars for signature certification and for filing with state secretary [53:22A]
- attorney general's summary of the proposed law as such summary will appear on the ballot [M.C.]
- names and addresses of the 10 original petitioners [M.C.]
- instructions to subsequent signers in English and in Spanish

- space for the name of the city or town in which subsequent signers appear to be voters

- spaces for signatures and addresses of 64 voters

- instruction to registrars

- registrars' certification of signatures

3. Material Provided

The Elections Division has prepared written information for petitioners. *A Guide for Circulating Petitions* consisting of one sheet contains information on the types of petitions and on collecting signatures, having them certified and filing petitions. *Petition Series A* consisting of two sheets contains information specifically related to initiative petitions for a law including procedures to be used by petitioners, the number of signatures required and a calendar of events. This information is periodically updated and is also provided to town clerks.

The Elections Division recommends that the registrars provide, upon request, a free copy of the voting list to a representative of the organization or group circulating a petition in the town although this is not required by the General Laws. In some towns, a free copy of the street list is also provided, if requested.

4. Collecting Signatures

The petitioners are responsible for obtaining voters' signatures on the petition. In order to collect the large number of signatures required, they will probably need a large number of workers. Sometimes an organization, such as the Citizens for Limited Taxation or the League of Women Voters, support a proposed law and members of those organizations help collect signatures. The petitioners should be certain that all workers are properly instructed. In some cases, the group organizing the petition drive prepares written instructions for their workers.

a. certified signatures required
[M.C.]

In order to come before the General Court, the petition must contain the number of certified signatures at least equal to 3 per cent of the total vote cast, excluding blanks, for governor at the last state election. In addition, not more than one quarter of the certified signatures may come from any one county. Through 1990, for example, an initiative petition must contain at least 50,525 certified signatures with not more than 12,631 from any one county. (see also II. A. 12. a. additional certified signatures required on page 339) Filing more certified signatures than the permitted number from one county does not invalidate a petition, but the surplus is not counted in calculating the total number of required signatures filed.

If you receive a question concerning the number of certified signatures required on a petition being circulated after 1990, consult an updated copy of Petition Series A or refer the person to the Elections Division, 617-727-2828, 1-800-462-8683. Do not attempt to calculate the number yourself.

b. who may sign

Any registered voter of the commonwealth, whether enrolled in a party or unenrolled, may sign an initiative petition. However, the petitioners should be certain that petition forms are circulated in at least 4 counties since the number of certified signatures from any one county is limited to one quarter of the total required. (see II. A. 4. a. certified signatures required above on page 332)

c. number of petition forms which may be signed

Each voter may sign only one petition form for a given proposed law. However, he may sign a petition form for each different proposed law, if petitions related to more than one law are being circulated.

d. voters' signatures and addresses

The provisions of law relative to signing nomination papers of candidates for state office apply to signing initiative petitions. [53:22A] The requirements appear in 53:7 and those related to signing in person, the form of signature and the voter's address are the same as outlined for town nomination papers under I. NOMINATIONS FOR TOWN OFFICE, B. 6. d. through f. on pages 153 and 154.

The column entitled WARD and the column entitled PRECINCT are provided on the petition form for the convenience of the registrars. The voter in a city may enter his ward and precinct number and the voter in a town divided into precincts may enter his precinct number, but such entries are not required. [Regs. 55.03(2)(a)]

e. where to collect signatures

See I. NOMINATIONS FOR TOWN OFFICE, B. 6. h. where to collect signatures on page 155.

Signatures should be collected on a given petition form from only one city or town. Signatures from more than one city or town may not be certified on one petition form. [53:7]

f. penalty [56:11]

The penalty on whoever unlawfully signs an initiative petition is a fine of not more than $1,000.00 or imprisonment for not more than one year.

5. Submitting Petitions to Registrars [53:7,22A]

The provisions of law relative to the submission of signatures to the registrars shall apply to initiative petitions. [53:22A]

The procedures are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 7. Submitting Nomination Papers to Registrars on page 223 except that the petitions will probably be submitted by the person who collected the signatures in your town and the petition must be submitted on or before 5:00 P.M. of the 14th day preceding the day on which it must be filed with the state secretary. [53:7]

6. Receiving Petitions

A registrar or the town clerk acting as clerk to the board of registrars or an employee in the office may receive a petition. If, however, the town has an election commission, that commission should receive the petition since the town clerk is not a member and has no duties with respect to petitions.

The procedures are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 8. Receiving Nomination Papers on page 225, except that the information concerning correcting the district outlined under b. checking procedures does not apply. Also, both the General Laws and the Regulations require that the registrars issue a written receipt for each initiative petition submitted to and received by them. [53:22A; Regs. 55.02(1)]

The Regulations require that the number of pages submitted be shown on the receipt. It is suggested that the following additional information be entered: the submitter's name, telephone number, the subject of the proposed law, the number of signatures submitted, the date and time of submission and the number you enter on each petition sheet submitted. It is recommended that a copy of the receipt be kept on file in the office.

In some towns, a copy of the summary of the proposed law appearing at the top of the petition form is made and kept for reference with the record of petitions. (see I. NOMINATIONS FOR TOWN OFFICE, B. 8. g. recording candidate's papers on page 163) If, however, you receive a question related to the text of the law itself, refer the person to the Elections Division.

If more than one person submits petition sheets related to a given law, arrange the sheets so that you will know, at the time the processed petitions are released, which sheets were submitted by each person. (see II. A. 9. a. obtaining processed petitions on page 337)

7. Processing Petitions [53:7,22A; Regs. 55.00]

The provisions of law relative to the identification and certifications of names on nomination papers of candidates for state office shall apply to initiative petitions. [53:22A] The procedures for processing initiative petitions are substantially the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 9. Processing Nomination Papers on page 227.

The following information applies specifically to initiative petitions.

a. voting list

Initiative petitions will usually be submitted in October or

November. If in an even numbered year, the first voting list required by 51:55 to be available by July first would be used together with the supplementary lists prepared for the state primary and election. In some towns, the voting list is reprinted before the state election and in that case, a copy of this list may be used together with the list(s) of new voters who registered after the close of registration for the state election.

If submitted in an odd numbered year, the most recent printed voting list, as amended, should be used with supplementary lists prepared since the list was printed.

In any event, the records of recent voter registration must be used even if the voters' names have not yet been entered on a list. [Regs. 55.02(3)]

Unless there is a large number of initiative petitions being circulated, one copy of the voting list will probably be sufficient. In some towns, one copy of the voting list is used for initiative petitions for a law and a separate copy is used for initiative petitions for a constitutional amendment, referendum and/or public policy question petition if they are submitted at the same time.

If more than one copy of the voting list must be used because initiative petitions for several different laws have been submitted, be certain that you will be able to determine later which petitions were processed on each list.

The list marked while processing an initiative petition for a law should be kept since it may be needed the following year to process additional signatures. (see II. A. 12. d. processing additional petitions on page 340)

b. color or initial code [Regs. 55.02(4)(a)]

The Regulations strongly recommend that the registrars keep a record of which petition each voter signs, such as by a color or initial code.

The petition forms contain an initial code, A, B, etc. in the lower right corner on both the front and back of the form. This code letter may be used as the code for marking certifiable signatures on the voting list. Or, a different color may be used in marking the voting list for each proposed law.

It is not uncommon to find duplicate signatures on the petition forms for a given proposed law and the code provides a record of signatures certified for each proposed law, if petitions for more than one are being circulated.

NOTE: If more than one initiative petition for a law is being processed or if the same list is used for processing all types of petitions, a code will be needed so that you will know which voters have already signed the petition for each proposed law.

c. party enrollment

While processing signatures, the voters' party enrollment does not need to be considered since all voters regardless of whether enrolled in a party or unenrolled may sign the petitions.

d. number of signatures to be processed

Regs. 55.02(8) permit the registrars to discontinue processing signatures when the required number plus 2/5ths have been certified. It is unlikely that a sufficient number of signatures will have been submitted in your town to certify the maximum number permitted from one county plus 2/5ths. Through 1990, this number is 17,683.

As a practical matter, all signatures appearing on each petition form must be processed. When a form has been completed, there should be a check mark or a code letter indicating rejection in the column entitled CHECK next to every signature. If it is necessary for the registrars themselves to make a decision on whether or not a signature can be certified, be certain that the decision is made before the deadline for certification.

e. deadline for certification [53:7]

All initiative petitions must be certified not later than 5:00 P.M. on the second day before the final day for filing petitions with the state secretary.

This deadline must be met regardless of the number of petition forms which have been submitted and even if all of them are not submitted until just before the deadline for submission.

f. registrars'certificate

The only certificate to be completed by the registrars on a petition form is the certification of signatures at the bottom on the back of the form. This should be completed the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 9. g. (3) certification of signatures on page 232.

Be certain that this certificate has been completed and either signed by at least three of the registrars in person or the signature stamp has been used on every petition form.

g. certifying signatures

The requirement under 53:46 that registrars hold meetings for the purpose of certifying signatures applies only to nomination papers, not to initiative petitions.

h. registrars' review of signatures

A registrars' review of non-certified signatures upon written application required by 55B:6 does not apply to initiative petitions.

However, the registrars probably may correct mistakes made during the certification process if there is time before the filing deadline.

8. Guidelines for Signature Certification

The guidelines for signature certification on initiative petitions are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification, a. signatures and b. addresses on pages 175-177.

9. Filing Petition with State Secretary

In order to have the petition transmitted to the General Court for action, the petition must contain the required number of certified signatures and be filed with the state secretary.

a. who may obtain processed petition forms [53:22A; 1986:695; Regs. 55.04]

Processed petition forms must be obtained from the registrars after certification so that they can be filed with the state secretary. The registrars should be certain that the processed petition forms are released only to the proper person.

Prior to 1986, processed initiative petitions could be released only to a person presenting the written receipt issued at the time of submission. However, 1986:695 amended 53:22A to permit the petitions to be delivered to a person who presents identification acceptable to the registrars if the written receipt is not presented. [53:22A]

The Regulations specify what may be considered acceptable identification and apply to all types of petitions as well as to nomination papers. The procedures for returning processed petitions are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, B. 11. a. who may obtain processed papers on page 236)

b. who must file

The General Laws do not specify who must file the petitions with the state secretary. They may be filed by one of the original petitioners or his designee.

c. where to file

The petitions should be filed at the Elections Division, One Ashburton Place, Room 1705, Boston 02108 or at Secretary of State West, 21 Elm Street, Springfield 01103.

d. deadline for filing [M.C.]

The petitions must be filed by 5:00 P.M. on the first Wednesday of the December following the date the 10 petitioners filed the original petition. (see II. A. 1. d. filing the petition on page 331) For example, if the original petition were filed not earlier than the first Wednesday of September, 1988, the petition containing the required number of certified signatures had to be filed by December 7, 1988.

e. public records [4:7(26); Chapter 66; Public Records Access Regulations 950 CMR 32.00]

Petitions filed with the state secretary are public records. Individuals wishing to inspect the filed petitions should contact the Elections Division, one Ashburton Place, Boston 02108, 617-727-2828, 1-800-462-8683.

10. Petition Transmitted to General Court [M.C.]

If the filed petition contains a sufficient number of certified signatures, the state secretary must transmit it to the house clerk for legislative action. The petition is heard by the legislative committee to which it is referred and a report is issued.

Any legislative action must be taken by each branch of the General Court by the first Wednesday in May. The General Court may not amend the proposed law but, if the General Court rejects the initiative, it may formulate a proposed law of its own, to be designated as a legislative substitute and grouped on the ballot with the initiative measure as an alternate choice.

If the General Court approves the initiative and either the governor signs it or it is passed over his veto by a two-thirds vote of both houses, it becomes law and no question appears on the state election ballot.

11. Petition Rejected or General Court Fails to Act [M.C.]

If the petition is rejected by the General Court or if the General Court fails to act, the proposed law may be amended by a majority of the first 10 signers, subject to the certification of the attorney general that the amendment is perfecting in nature and does not materially change the substance of the proposed law. The amendment, if any, must be made and filed with the state secretary along with the attorney general's certificate by the first Wednesday of June.

12. Question to Appear on Ballot

The petitioners may require that the question related to the original or to the amended petition appear on the ballot at the next regular state election by submitting a written request to the state secretary for additional petition forms and collecting additional signatures.

The petition form to be used contains the same information and spaces as outlined under II. A. 2. petition form on page 331 except that the subtitle is ADDITIONAL SIGNATURES IN SUPPORT OF AN INITIATIVE PETITION FOR A LAW and it contains spaces for 60 voters' signatures. The submission and filing deadlines printed on the form are different from those on the form under II. A. 2. but the form number is the same. (see sample form E168J for additional signatures on page 429)

a. additional certified signatures required

The additional petition forms must be circulated and additional signatures collected after the first Wednesday of May and before the deadline for submitting the petitions to the registrars. (see II. A. 12. b. submitting additional petitions to registrars below) The procedures are the same as outlined under II. A. 4. Collecting Signatures on pages 332 except as follows:

(1) number of certified signatures required

In order to have the question placed on the ballot, the petition must contain a number of certified signatures at least equal to 1/2 of 1 per cent of the vote cast, excluding blanks, for governor at the last state election, not more than one quarter from any one county.

Through 1990, the required number of signatures is 8,421, but not more than 2,105 from any one county. After 1990, if you receive a question concerning the number of certified signatures required, consult an updated copy of Petition Series A or refer the person to the Elections Division, 617-727-2828, 1-800-462-8683. Do not attempt to calculate the number yourself.

(2) who may sign

Any registered voter of the commonwealth whether enrolled in a party or unenrolled may sign the petition provided he has not previously signed a petition for the same or substantially the same proposed law. A voter who signed the petition during the previous year prior to its being transmitted to the General Court, may not sign a petition at this time, even if the proposed law has been amended as outlined under II. A. 11. Petition Rejected or General Court Fails to Act on page 338.

b. submitting additional petitions to registrars

The procedures for submitting additional petitions to the registrars are the same as outlined under II. A. 5. Submitting Petitions to Registrars on page 333.

c. receiving additional petitions

The procedures for receiving additional petitions are the same as outlined under ii. a. 6. Receiving Petitions on pages 334. However, a copy of the receipt issued for the additional petitions should be kept with the receipts issued the previous year for the petitions related to the same or substantially the same law. If a record sheet or card is used, the additional petitions may be added on the sheet or card used to record the petitions for the same law submitted previously. Draw a line under the previous entries and enter a note *additional petitions.* Then enter the information related to additional petitions submitted.

d. processing additional petitions

The procedures for processing additional petitions are the same as outlined under II. A. 7. Processing Petitions on page 334 and 8. Guidelines for Signature Certification on page 337. However, to check the signatures, use the same copy of the voting list as was used for petitions for the same law previously submitted since voters who signed earlier may not sign additional petitions. Those signatures, if found on the additional petitions, must be rejected.

e. filing petitions with state secretary

The procedures for delivering additional petitions to the proper person and for filing with the state secretary are the same as outlined under II. A. 9. Filing Petitions with State Secretary on page 337 except that the additional petitions must be filed not earlier than the first Wednesday in June and not later than 5:00 P.M. on the first Wednesday of July of the year during which the General Court rejected or failed to act on the proposed law.

13. Ballot Question [M.C.]

The form of the ballot question is specified in the Constitution as follows:

> *Do you approve of a law summarized below, (here state, in distinctive type, whether approved or disapproved by the general court, and by what vote thereon)?*
>
> (set forth summary here)

The following is a question related to the initiative petition for a law shown in the sample on page 427 which appeared on the 1986 state election ballot:

> QUESTION 4.
>
> *Do you approve of the law summarized below, which was approved by the House of Representatives on May 5, 1986, by a vote of 145-0, and on which no vote was taken by the Senate before May 7, 1986?*
>
> [summary of proposed law which was prepared by the attorney general and appeared on the petition]

14. How Passed [M.C.]

In order for the ballot question to be passed and the proposed law to be in effect, at least 30 per cent of the voters who cast ballots in the election must vote in the affirmative on the question. In addition, at least a majority of the ballots cast on the question must be in the affirmative.

15. Effective Date [M.C.]

If passed, the proposed law takes effect 30 days after the election, or at a later time if so provided in the proposed law. Under a court ruling, the law cannot go into effect until certification of the vote by the governor and council. (see 54:115,116)

B. INITIATIVE PETITION FOR A CONSTITUTIONAL AMENDMENT [Mass. Const., Amend. Arts. 48,74,81; 53:22A]

The Massachusetts Constitution provides that the people reserve to themselves the popular initiative which is the power of a specified number of voters to submit constitutional amendments to the people for approval or rejection. The initiative petition, properly signed, certified and filed, requires the General Court to act on a proposed amendment to the Massachusetts Constitution. Unlike an initiative petition for a proposed law, the proposed constitutional amendment is placed on the state election ballot only if the amendment is supported by at least 50 (25 per cent) of the 200 legislators sitting in two successive joint sessions of the house and senate. If it does not receive that support in both joint sessions, the proposed amendment does not appear on the ballot.

The following procedures, some of which are the same as for an initiative petition for a law, apply to initiative petitions for a constitutional amendment.

1. Original Petition

(See II. A. 1. Original Petition on page 330.

However, the full text of the proposed constitutional amendment would appear on the petition instead of a proposed law and the attorney general is responsible for determining if the proposed amendment is in proper form and whether or not it relates to an excluded matter.

A petition may be submitted by the deadline in any year, but the question cannot appear on the ballot for the state election until the second even numbered year following. For example, if a petition were filed in August, 1987, the question could not appear on the ballot until the state election of 1990. If a petition were filed in August, 1988, the question could not appear on the ballot until the state election of 1992.

2. Petition Form (see sample form E168E on page 431)

The information outlined under II. A. 2. Petition Form on page 331 applies to initiative petitions for a constitutional amendment, except as follows:

- the title of the form is AN INITIATIVE PETITION FOR A CONSTITUTIONAL AMENDMENT
- the attorney general's summary relates to a proposed constitutional amendment rather than to a proposed law
- space is provided on the form for county as well for city or town

- instructions to signers appear in English only
- spaces are provided for the signatures and addresses of 63 voters

3. Material Provided

See II. A. 3. Material Provided on page 332.

However, Petition Series B, specifically related to petitions for constitutional amendments should be substituted for Petition Series A.

4. Collecting Signatures

See II. A. 4. Collecting Signatures on page 332

Note, however that the Petition Series B dated 1986 contains a different number of certified signatures required since it relates to original petitions filed in August, 1986. The number of certified signatures required on petitions filed after that time and through 1990 would be at least 50,525, with not more than 12,631 from any one county.

5. Submitting Petitions to Registrars

See II. A. 5. Submitting Petitions to Registrars on page 333

6. Receiving Petitions

See II. A. 6. Receiving Petitions on page 334

7. Processing Petitions

See II. A. 7. Processing Petitions on page 334

Note that the voting list used will not be needed the following year to process additional signatures since the provisions for submitting additional signatures applies only to initiative petitions for a law. However, the marked voting list should be kept until after the related question has been printed on the ballot or until after the petition does not receive a sufficient number of votes in the legislature for the related question to be placed on the ballot.

8. Guidelines for Signature Certification

The guidelines for signature certification on initiative petitions for a constitutional amendment are the same as outlined under NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification, a. signature and b. addresses on pages 175-177.

9. Filing Petitions With State Secretary [M.C.]

See II. A. 9. Filing Petitions with State Secretary on page 337

10. Petition Transmitted to General Court [M.C.]

If the filed petition contains a sufficient number of certified signatures, the state secretary must transmit it to the house clerk on the first legislative day of the year.

The petition must be laid before a joint session of the house and senate for action by the second Wednesday of May. If the petition is approved by at least 25 per cent of the legislators (50 votes), it is held for the next elected legislature. If it does not receive that many votes, no further action is taken on the petition.

The initiative amendment may be amended by a 3/4ths vote of the legislature in joint session. Or, the legislature may, by a majority vote, formulate a proposal of its own covering the same subject as the initiative petition, to be designated as a legislative substitute and grouped on the ballot with the initiative amendment as an alternate choice.

The next elected legislature in joint session, must vote again on the initiative amendment. If the initiative amendment is approved by at least 25 per cent of the legislators, it must be placed on the state election ballot. However, if at this time, it does not receive the required number of favorable votes, it cannot appear on the ballot.

Note that there is no provision for obtaining additional signatures if the required number of favorable votes is not received on an initiative petition for a constitutional amendment. (see II. A. 12. Question to Appear on Ballot on page 338)

11. Form of Question [M.C.]

The form of the question to appear on the ballot is specified in the Constitution as follows:

> *Do you approve of the adoption of an amendment to the constitution summarized below (here state, in distinctive type, whether approved or disapproved by the general court, and by what vote)?*
>
> (Set forth summary here)

12. How Passed [M.C.]

In order for the ballot question to be passed and the proposed initiative amendment or a legislative substitute to be in effect, at least 30 per cent of the voters who cast ballots must vote in the affirmative. In addition, at least a majority of the ballots cast on the question must be in the affirmative.

NOTE: For a legislative amendment, the question is passed if only a majority of the ballots cast on the question are in the affirmative. The 30 per cent requirement does not apply.

13. Effective Date

If passed, the constitutional amendment becomes effective on the date the election results are certified by the governor and council as provided in 54:115, or on an effective date provided in the amendment, if later.

C. REFERENDUM PETITIONS [Mass. Const., Amend. Arts 48,67,74,81; 53:7,22A]

The Massachusetts Constitution provides that the people reserve to themselves the popular referendum which is the power of a specified number of voters to submit laws, enacted by the General Court, to the people for ratification or rejection. A referendum petition, properly signed, certified and filed, requires that a question be placed on the state election ballot to approve a law enacted by the General Court.

The following procedures, some of which are the same as for a initiative petition for a law, apply to referendum petitions.

1. Original Petition

a. petition form

Ten registered voters of the commonwealth may draw up and sign an original petition on which they correctly identify the law they want repealed. Laws related to religion, judges, the courts, particular localities within the commonwealth, and specific appropriations are not subject to a referendum petition.

The form for the petition is not specified in the Constitution or the General Laws. (see II. A. 1. a. Petition Form on page 330)

b. filing with state secretary [M.C.; 53:22A]

The referendum petition must be filed with the state secretary. [M.C.] A certificate of voter registration for each of the ten signers must be filed with the petition. [53:22A] (see II. A. 1. b. certificate of voter registration on page 330)

c. deadline for filing [M.C.]

The original petition must be filed not later than 30 days after the act has become law by being signed by the governor or passed over his veto, if applicable.

d. summary [M.C.; 53:22A; 54:53]

The attorney general determines whether or not the law is subject to a referendum petition. If it relates to a matter not excluded by the constitution, he prepares a fair and concise summary, as it will appear on the ballot, and transmits the summary to the state secretary.

2. Petition Form (see sample form on page 432)

The information outlined under II. A. 2. Petition Form on page 331 applies to referendum petitions, except as follows:

- the title of the form is A REFERENDUM PETITION

- the petition contains no form number

- the forms must be available within 14 days after receipt of the summary from the attorney general [53:22A]

- the attorney general's summary relates to a law already passed by the General Court, not to a proposed law

- spaces are provided for signatures and addresses of 64 voters

3. Material Provided

see II. A. 3. Material Provided on page 332 Petition Series C, specifically related to referendum petitions, should be substituted for Petition Series A.

4. Collecting Signatures

The procedures are the same as outlined under II. A. 4. Collecting Signatures on page 332 except that the number of certified signatures required to place the question on the ballot is as follows:

a. petition to suspend law [M.C.]

Unless the law has been declared an emergency law by the governor or by a two-thirds vote in each house of the legislature, the referendum petition may request that the law be suspended. In that case, the petition must contain at least a number of certified signatures equal to 2 per cent of the entire vote, excluding blanks, for governor cast at the last state election. In addition, not more than one quarter of the certified signatures may come from one county. [M.C.]

For example, until 1990, 33,683 certified signatures are required, not more than 8,421 from any one county.

If a sufficient number of certified signatures is subsequently filed with the state secretary, the law is suspended when the petition is filed.

b. other referendum petitions [M.C.]

A referendum petition may not request that an emergency law be suspended. If the referendum petition relates to an emergency law, or if the petition does not request that a law be suspended, it must contain at least a number of certified signatures equal to one and one-half per cent of the entire vote, excluding blanks, for governor cast at the last state election. In addition, not more than one quarter of the certified signatures may come from one county.

For example, until 1990, 25,263 certified signatures are required, not more than 6,315 from one county.

5. Submitting Petitions to Registrars [53:7,22A]

See II. A. 5. Submitting Petitions to Registrars on pages 333.

6. Receiving Petitions

See II. A. 6. Receiving Petitions on page 334.

7. Processing Petitions [53:7,22A]

(See II. A. 7. Processing Petitions on page 335.

Note that referendum petitions may be received at different times depending upon when the law was passed. The voting list used should be the most recent printed voting list and supplementary lists up to date as of the time the petition is received. The marked voting list should be kept until the ballot on which the question will appear has been printed.

8. Guidelines for Signature Certification

The guidelines for signature certification are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification, a. signatures and b. addresses on pages 175-177.

9. Filing Petition with State Secretary

In order to have the referendum petition appear as a question on the ballot at the state election, the petition must contain at least the required number of certified signatures and be filed with the state secretary.

The procedures are the same as outlined under II. A. 9. Filing with State Secretary on page 337, except that the deadline for filing is not later than 90 days after the act was signed by the governor or passed over his veto, if applicable. The filing deadline is printed on the petition form. A separate form is printed for each referendum petition since the filing deadline may be different for each.

NOTE: If a deadline falls on a Saturday, Sunday or a legal holiday, the deadline becomes the next weekday. The specific deadline dates vary depending upon the law included in the petition. Requests for these dates should be referred to the Elections Division, 617-727-2828, 1-800-462-8683.

10. Question to Appear on Ballot

The question related to the law contained in the referendum petition appears on the ballot at the first state election which takes place at least 60 days after the valid referendum petition was filed with the state secretary.

For example, if the petition were filed on or before September 9, 1988, the question would have appeared on the November 8, 1988 state election ballot. If the petition were filed after September 9, 1988, the question would appear on the ballot at the 1990 state election, unless the legislature repealed the law in the meantime.

11. Text of Question

The text of the question related to the referendum petition shown in the sample on page 432 which appeared on the 1986 state election ballot is as follows:

QUESTION 5.

Do you approve of a law summarized below, which was approved by the House of Representatives on October 17, 1985 by a vote of 77-62, and by the Senate on October 17, 1985?

[summary which was prepared by the attorney general and which appeared on the petition]

12. How Passed [M.C.]

For a law to be approved, a majority of the votes cast on the question must be in the affirmative.

For a law to be disapproved, at least 30 per cent of the voters who cast ballots in the election must vote in the negative on the question. In addition, at least a majority of those voting on the question must vote in the negative.

13. Effective Date [M.C.]

If a majority of the voters approve the law as passed by the General Court, a suspended law becomes effective 30 days after the election, or at a time specified in the law, if later.

However, if the required number of voters disapprove a suspended law, it immediately becomes null and void.

If the required number of voters disapprove an emergency law or a law which has not been suspended, it is repealed at the expiration of 30 days after the election.

D. PETITION FOR A PUBLIC POLICY QUESTION
[Mass. Const. Pt. 1, Art. 19; 53:7,19,20,21,22]

The Massachusetts Constitution under Article 19 of Part 1, the Declaration of Rights, guarantees that the people have a right *to give instructions to their representatives.*

NOTE: The legislature may pass a special act to have a legislative advisory question appear on the ballot. Two such questions appeared on the 1986 state election ballot.

The petition for a public policy question is the method by which voters instruct their state senators and representatives. Such a petition requires a question containing the instructions to be placed on a state election ballot for the appropriate state senatorial or representative district.

A public policy question may cover subjects that are excluded from the initiative petition process. But, unless a petition concerns a matter that is subject to some type of legislative action, the question is not one of public policy and may not be placed on the ballot. [Op. Atty. Gen., September 4, 1984] In addition, no question negatived and no question substantially the same may be submitted again in less than 3 years. [53:21]

It is suggested that petitioners contact the Elections Division before circulating petition forms to be certain that the question is one of public policy, has not been negatived or has not previously been submitted within the 3 year period. (see II. D. 9. Public Policy Determination on page 351).

1. Petition Form (see sample form E-165 on page 433)

The petition form for a public policy question is prepared and provided by the state secretary by the 15th Tuesday before the last day for filing. [53:20] For example, in 1988, forms were available by April 20th.

Form E-165 must be used and may be obtained only at the Elections Division, One Ashburton Place, Room 1705, Boston 02108 by the persons who wish to circulate the petition or their designees. Upon request, blank petition forms will be mailed. They are not provided to any city or town clerks for distribution.

The form, entitled APPLICATION FOR A PUBLIC POLICY QUESTION, contains the following information and spaces:

- date and time of receipt by registrars
- spaces for the name of the city or town in which the signers appear to be voters, for the title of the state senatorial or representative district to which the question applies and boxes which should be checked to indicate whether the district is a senatorial or a representative one.
- space in which the petitioners must enter the substance of the question to be submitted to the voters [53:19] The exact text of the question is drafted by the state secretary and the attorney general. (see II. D. 10. Drafting the Question on page 351)
- instructions to petitioners. In this case, the petitioners are those who wish to have the petition circulated.
- deadlines for submitting petition to registrars and for filing with the state secretary. In this case, the deadlines do not appear as specific dates since the date is different in each election year and the forms are used through several years. However, Petition Series D contains the deadline dates.

- instructions to signers in English
- signers' statement requesting the question to be submitted to the voters to instruct the senator or representative
- spaces for the signatures and addresses of 58 voters
- instructions to registrars
- certification of signatures form

2. Material Provided

(see II. A. 3. Material Provided on page 332. Petition Series D specifically related to petitions for public policy questions should be substituted for Petition Series A.

3. Collecting Signatures

The procedures for collecting signatures on a public policy question petition are the same as outlined under II. A. 4. Collecting Signatures on page 332, except that the number of certified signatures required is 1,200 for a petition to instruct a senator and 200 for a petition to instruct a representative. [53:19] In addition, the signers must be registered voters in the district to which the petition relates. There is no requirement that signers be distributed among the cities and towns within the district.

There may be several petitions being circulated at the same time, each containing a different instruction for the senator or representative in the district. A voter may sign a petition for each different instruction.

4. Submitting Petitions to Registrars [53:7,20]

The provisions of law relative to nomination papers of candidates for state office [53:7], shall apply to petitions for public policy questions. [53:20]

The procedures for submitting petitions to the registrars for signature certification are the same as outlined under II. A. 5. Submitting Petitions to Registrars on page 333, except that the deadline for submission is the 28th day preceding the last day for filing with the state secretary.

5. Receiving Petitions [53:7,20]

The procedures for receiving petitions for a public policy question are the same as outlined under II. A. 6. Receiving Petitions on page 334.

6. Processing Petitions [53:7,20]

The provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon [53:7], shall apply to petitions for public policy questions. [53:20]

The procedures for processing these petitions are the same as outlined under II. A. 7. Processing Petitions on page 335 except as follows:

a. voting list

Since the deadline for submitting public policy question petitions will be early in July of a state election year, the first voting list required by 51:55 may be used to check the signatures. However, if petitions are submitted before the first voting list has been prepared, the most recent printed list, updated as of the time of processing, and supplementary lists should be used.

b. number of signatures to be processed

In most cases, all signatures appearing on the petition form must be processed. 53:7 requires that the registrars certify the required number of signatures increased by two-fifths. For questions instructing a state senator, this number would be 1,680. It is unlikely, except in the larger towns, that sufficient signatures will be submitted in any one town to have that number certified. For questions instructing a state representative, this number would be 280 and, in this case, there may be sufficient signatures submitted in one town to certify that number so that the remaining signatures do not need to be processed.

c. deadline for certification [53:7]

All submitted public policy question petitions must be certified not later than 5:00 P.M. on the 7th day before the last day to file the petitions with the state secretary.

7. Guidelines for Signature Certification

The guidelines for signature certification for public policy question petitions are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 10. Guidelines for Signature Certification, a. signatures and b. addresses on pages 175-177.

8. Filing Petition with State Secretary [53:21]

In order to have the question instructing a state senator or representative appear on the state election ballot, the petition must contain the required number of certified signatures and be filed with the state secretary.

The procedures for filing are the same as outlined under II. A. 9. Filing Petitions with State Secretary on page 337, except as follows:

a. obtaining processed petition forms

The requirements of 53:22A do not apply to petitions for public policy questions. However, Regs. 55.04 does apply so that the procedures for returning processed petitions are the same as outlined under II. A. 9. Obtaining Processed Petition Forms on page 337.

b. deadline for filing [53:21]

The petitions must be filed with the state secretary by 5:00 P.M. on the first Wednesday of August before the election at which the question is to be appear on the ballot.

9. Public Policy Determination [53:19]

Upon the request of the state secretary, the attorney general shall determine whether or not the question submitted on the petition is one of public policy. If the attorney general determines it is not, the question cannot be placed on the ballot. However, the determination may be appealed to court.

10. Drafting the Question [53:19]

If the question is determined to be one of public policy, the state secretary and the attorney general shall draft it in such simple, unequivocal and adequate form as shall be deemed best suited for presentation upon the ballot.

11. Number of Questions on Ballot [53:21]

Not more than three public policy questions may appear on the ballot in a city or town at one election. If more than one has been submitted, the questions will appear on the ballot in the order in which the petitions were filed with the state secretary.

12. Text of Question

The following is the text of a public policy question which appeared on the ballot at the 1980 state election in the Franklin and Hampshire Senatorial District:

QUESTION 8

THIS QUESTION IS NON-BINDING

Shall the Senator from this district be instructed to vote in favor of legislation requiring a moratorium on the construction and licensing of new nuclear power plants and requiring the phased replacement of existing nuclear power plants with conservation, energy efficiency measures, short-term use of coal, co-generation, and renewable energy sources such as hydro-electricity, wind and solar?

13. How Passed [53:22]

No vote on a public policy question shall be regarded as instruction to the senator or to the representative unless it receives a majority of the votes, including blanks, cast at the election.

14. Effect of Public Policy Question

The instructions contained in a public policy question are not binding on the senator or representative and he is not required to vote in accordance with the instructions. The purpose of a public policy question is to inform the senator or representative of his constituents' sentiments on public issues.

E. COUNTY CHARTER PETITIONS [34A:2,3,4,14; 1985:801,2,3,4,14; 1988:296]

NOTE: The notation for references to the law governing county charter procedures for Barnstable County is in the form 1985:801,2,3,4, etc. meaning the Acts of 1985, Chapter 801, sections 2,3,4, etc.

Every county, except Barnstable, shall have the power to adopt or revise an existing charter according to the provisions of Chapter 34A of the General Laws. Barnstable County shall have the power to adopt or revise an existing charter according to the provisions of 1985:801. [34A:2; 1985:801,2; 1988:296]

The question of whether or not to create a county charter study commission must appear on a state election ballot whenever authorized by resolution of the county commissioners or by resolution of the advisory board on county expenditures or on petition of the registered voters of the county. [34A:3(A),4(C); 1985:801,3(A),4(C)] An existing charter may be revised in the same manner as is provided by section 3 for its original adoption. [34A:14; 1985:801,14; 1988:296]

The procedures for a petition for a county charter ballot question relating to adopting or revising a charter appear in 34A:3 or, for Barnstable County, in 1985:801,3 and are as follows:

1. Petition Form [34A:3(B),14; 1985:801:3(B),14; 1988:296] (see sample form E256-C on pages 434 and 435)

The petition for a county charter question must be in a form prescribed by the state secretary. [34A:14(c); 1985:801,14(c); 1988:296] In all counties, the forms are not provided earlier than 6 months prior to the date on which the petition must be filed.

Petition forms may be obtained at the Elections Division, One Ashburton Place, Room 1705, Boston 02108 by any registered voter of the county who requests them.

The form, entitled COUNTY CHARTER REVISION OR ADOPTION PETITION, contains the following information:

- space for the name of the city or town in which the signers appear to be voters
- instructions to signers in English and in Spanish
- signer's statement in English and in Spanish
- spaces for signatures and addresses of 61 voters
- instructions to registrars

- registrars' certification of signatures

NOTE: No petition shall contain or be accompanied by any indication of party or political designation. [34A:14(c); 1985:801,14(c)]

2. Material Provided

   a. voting list

   A free copy of the voting list must be provided by the town clerk to each candidate for charter commission member. (see 34A:5(B); 1985:801,5(B)) There is no such requirement for providing a free copy of the voting list to persons who circulate county charter petitions. However, the Elections Division recommends that a free copy of the voting list and street list be provided if requested.

   b. information

   A pamphlet entitled *County Charter Procedures* and the *Guide for Circulating Petitions* has been prepared and is provided by the Elections Division.

3. Collecting Signatures [34A:3(B),14(c); 1985:801,3(B),14(c)]

The procedures for collecting signatures are the same as outlined under II. A. 4. Collecting Signatures on page 332, except that the number of certified signatures required on the petitions is 5 per cent of the number of registered voters in the county at the preceding state election. There is no requirement that the signatures be distributed among the cities and towns of the county. However, in Barnstable county, signatures placed on the petition more than 6 months prior to the date on which it is filed with the state secretary may not be counted toward the required number. [34A:3(B); 1985:801,3(B)]

Refer questions as to the specific number of required signatures to the Elections Division, 617-727-2828, 1-800-462-8683. Do not attempt to calculate the number yourself.

Each registered voter in the county, whether enrolled in a party or unenrolled, is entitled to sign one petition sheet.

4. Submitting Petitions to Registrars [34A:3(B);1985:801,3(B); 53:7]

See II. A. 5. Submitting Petitions to Registrars on page 333.

5. Receiving Petitions

The procedures for receiving petitions are the same as outlined under II. A. 6. Receiving Petitions on page 334, except that the provisions of 53:22A do not apply but the registrars are required to issue a receipt by Regs. 55.02(1).

6. Processing Petitions [34A:3(B); 1985:801,3(B); 53:7]

The signatures contained on the petitions shall be certified by the board of registrars of the cities and towns in the county and such certification shall be performed in the manner prescribed in 53:7. [34A:3(B), 1985:801,3(B)]

The procedures for processing petitions are the same as outlined under II. A. 7. Processing Petitions on page 335 except as follows:

a. voting list

County charter petitions are likely to be submitted to the registrars between August of an odd numbered year and the following February. A first voting list for the year in which the question will appear on the ballot will not be available for processing petitions. The most recent printed voting list and supplementary lists, updated as of the time petitions are being processed, should be used.

b. deadline for certification [34A:3(B), 1985:801,3(B)]

A petition or separate sheet of a petition submitted for certification shall be processed and returned to the person who submitted it within 10 days after submission.

NOTE: The Regs. 55.04 apply to returning petitions as well as nomination papers. They may be returned to persons who present acceptable identification. (see II. A. 9. a. obtaining processed petition forms on page 337)

A single petition sheet or a group of sheets may be submitted at several different times during the period when petitions are being circulated. It is particularly important that each sheet be time stamped since the time within which each must be certified starts with the date of submission and is not governed by the date of filing with the state secretary as it is for initiative, referendum and public policy question petitions. For example, a petition sheet submitted on December 8, 1987 had to be certified and returned to the submitter not later than December 18th. However, if the return date falls on a Saturday, Sunday or legal holiday, the next weekday is the return date.

7. Guidelines for Signature Certification

See I. NOMINATIONS FOR TOWN OFFICE, B.10. Guidelines for Signature Certification, a. signatures and b. addresses on pages 175-177.

8. Filing Petition with the State Secretary [34A:3(B); 1985:801,3(B)]

In order to have the question of whether or not to create a county charter commission appear on the state election ballot, the petition must contain the required number of certified signatures and be filed with the state secretary.

a. obtaining processed petition forms

Processed petition forms must be obtained from the registrars after certification so that they can be filed with the state secretary. The procedures for returning processed petition forms are the same as outlined under II. A. 9. a. obtaining processed petition forms on page 337 except that 53:22A does not apply.

b. who must file petitions

Neither Chapter 34A nor 1985:801 specify who must file the petitions with the state secretary.

c. where to file petitions

The petitions should be filed at the Elections Division, One Ashburton Place, Room 1705, Boston 02108 or at Secretary of State West, 21 Elm Street, Springfield 01103.

d. deadline for filing

The petitions must be filed not later than 5:00 P.M. on the last Tuesday in February in the year in which the question is to appear on the state election ballot.

e. state secretary to issue receipt

The state secretary must issue a receipt to the person who files the petition. The receipt is issued at the Elections Division or at Secretary of State West.

9. Notice to Cities and Towns [34A:3(B); 1985:801,3(B)]

Within 30 days after receiving a valid petition, the state secretary must notify the city council in each city and the board of selectmen in each town in the county that the question of the adoption or revision of a charter is to be submitted to the voters of the county.

10. One Resolution or Petition Permitted [34A:3(C); 1985:801,3(C)]

When a resolution or petition for the creation of a charter study commission has been duly filed, no other resolution or petition and no other proceedings for the adoption of any other charter or form of government available to the county may be filed unless the voters shall decide the related ballot question in the negative or until the charter commission created by the voters shall have been discharged.

11. Question to Appear on Ballot [34A:3(A),4(A),4(B);1985:801,3(A),4(A),4(B); 1987:484]

If a valid petition is filed with the state secretary, the question related to creating a charter commission will appear on the state election ballot after the statewide questions. [34A:4(A); 1985:801,4(A); 1987:484]

The text of the question must be as follows: [34A:3(A); 1985:801,3(A)]

Shall a charter study commission be created to study the present governmental structure of [name] county to consider and make findings concerning the form of government and make recommendations thereon?

NOTE: The charter commission candidates must appear on the same ballot as the question, as the last candidates to be elected. [34A:4(B); 1985:801,4(B)] Voting instructions must state that the voter may vote on the question and that, regardless of how and whether he voted on the question, he may vote for members of the charter study commission who shall serve if the question is determined in the affirmative. [34A:4(A); 1985:801,4(A)] (see also III. NOMINATIONS FOR CHARTER COMMISSION on page 259.

12. How Passed

A majority of the votes cast on the charter question must be in the affirmative for it to be passed.

13. Effective Date

If the question is passed, the charter commission becomes operational when the vote is certified (see 54:115,116), and the elected commissioners have been sworn in.

F. PETITIONS FOR ALCOHOLIC BEVERAGES QUESTIONS [53:7; 54:42A; 138:11]

There are five forms of alcoholic beverage questions which may be placed on a state election ballot. Any number of these questions may be placed on the same ballot and they are designated by letters A through E as applicable. Alcoholic beverage questions are numbered as a single question having parts; for example, question 6, part 1, part 2. Under each part, the appropriate letter is shown depending upon which question or questions are to appear. [54:42A]

The text of the five questions is specified in 138:11 and are as follows:

A. *Shall licenses be granted in this city (or town) for the sale therein of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages)?*

B. *Shall licenses be granted in this city (or town) for the sale therein of wines and malt beverages (wine and beer, ale and all other malt beverages)?*

C. *Shall licenses be granted in this city (or town) for the sale therein of all alcoholic beverages in packages so called, not to be drunk on the premises?*

D. *Shall licenses be granted in this city (or town) for the sale of all alcoholic beverages by hotels having a dining room capacity of not less than ninety-nine persons and lodging capacity of not less than fifty rooms?*

E. *Shall licenses be granted in this city (or town) for the sale therein of alcoholic beverages by restaurants and function rooms, having a seating capacity of not less than one hundred persons?*

NOTE: In a town having a special act providing for an alcoholic beverage question designated E or questions designated E and F, question E above would be designated F or G.

NOTE: A sixth alcoholic beverage question may appear on a town election ballot as provided by 138:11A. (See III. Q. ALCOHOLIC BEVERAGE QUESTION on page 407)

Prior to 1971, the alcoholic beverage questions, subsections A through D, appeared on the ballot at every state election. However, 138:11 was amended by 1971:339 so that if a city or town had voted in the affirmative or had voted in the negative in three consecutive elections beginning with the state election of 1966, the questions, including alcoholic beverage questions required by a town's special act, could not be placed on the ballot for a subsequent state election in that city or town except by petition.

Subsection E was added to 138:11 by 1971:705 and was permitted to be placed on the ballot only by petition. 138:11 was further amended by 1974:433 so that if subsection E appeared on the ballot in a town at the 1972 state election, it appeared at each state election thereafter until the town voted in the affirmative or in the negative in three consecutive elections. Thereafter, subsection E may not appear on the ballot in that town except by petition.

The procedures to be used for petitions for all subdivisions of the alcoholic beverage question are the same as outlined under A. 1. Initiative Petition for a Law, 2. through 8. on pages 331-337 except as follows:

NOTE: 138:11 specifies that the petitions shall be subject to the provisions of 53:7 relative to the identification and certification of signatures and to the time of submission to the registrars.

1. Petition Form (see sample form E-271A for subdivision A on pages 436 and 437)

The petition forms for all subdivisions of the alcoholic beverage question are prepared by the state secretary. The forms are entitled, ALCOHOLIC BEVERAGE PETITIONS, and are the same for each subdivision, except that the form number of subdivision A is E-271A; for subdivision B, E-271B; for subdivision C, E-271C; etc. and the text of the question is different depending upon the related subdivision of the question.

Forms are available at the Elections Division, One Ashburton Place, Room 1705, Boston 02108. Forms will be mailed upon request.

The forms contain the voters' statement, the text of the question, spaces for the name of the city or town in which the petition is being circulated, the year in which the question is to appear on the ballot, signatures and addresses of 60 voters, and the registrars' certification of signatures.

2. Collecting Signatures

a. certified signatures required

The number of certified signatures required on the petition for each question is at least 10 per cent of the number of voters registered in the town at the last preceding town election. To obtain the number of signatures, calculate the number of voters as of the close of registration prior to the town election and multiply by 0.10, rounding off the number, if necessary.

b. who may sign

Since the question(s) will appear on the state election ballot only in the town from which the petition was filed, only registered voters of the town may sign the petition. The voters' party enrollment is immaterial.

c. number of petition forms which may be signed

Each voter may sign the petition for a given question only once. However, if petitions for several questions are being circulated, he may sign for each question.

3. Receiving Petitions

The procedures for receiving petitions are the same as outlined under II. A. 6. Receiving Petitions on page 334. Regs. 55.02(1) require a receipt to be issued.

4. Processing Petitions [53:7]

Petitions will probably be submitted in August of a state election year and the first voting list required by 51:55 may be used for processing together with supplementary lists prepared since the first voting list was printed and updated as of the time petitions are processed.

53:7 requires that the registrars certify the required number of signatures increased by two-fifths. In the larger towns, all signature appearing on the petitions will probably have to be processed. However, in the smaller towns, a sufficient number of signatures may be submitted so processing may be discontinued when the required number plus two-fifths has been certified. For example, if there were 1,500 registered voters as of the last town election, only 150 certified signatures are required. The processing may be discontinued when 210 (150 plus 2/5ths) signatures have been certified.

5. Filing Petitions with the State Secretary

In order to have the alcoholic beverage question(s) appear on the state election ballot, the petitions must contain at least the required number of certified signatures and be filed with the state secretary.

The processed petitions should be released using the procedures outlined under II. A. 9. a. obtaining processed petition forms on page 337.

The deadline for filing petitions with the state secretary is not later than 5:00 P.M. on the 60th day prior to the state election at which the question is to appear. For example, for an alcoholic beverage question to appear on the 1988 state election in your town, the petition must have been filed not later than September 9th.

6. How Passed

A majority of the votes cast on the question must be in the affirmative for it to be passed.

7. Effective Date

If a subdivision of the alcoholic beverage question is passed, it becomes effective on the next January first and remains in effect for the next two calendar years.

If one subdivision is passed, it becomes effective regardless of whether or not the others are passed on the same ballot.

For example, if A is passed it becomes effective regardless of whether B, C or D are passed on the same ballot. If B is passed but A, C, and D are not, B becomes effective. If C is passed but A, B and D are not, C becomes effective. If B and C are passed but A and D are not, B and C become effective.

NOTE: The effective date of subdivision E is not specified in 138:11. For information contact the Alcoholic Beverages Control Commission.

G. PETITIONS FOR HORSE AND DOG RACING QUESTIONS [128A:14,14B,14C]

There are three types of questions related to horse and dog racing. Two of the questions may be placed on the state election ballot in any county and the third may be placed on the ballot only in Berkshire or Hampshire county. The question related to horse racing is lettered A. The question related to dog racing is lettered B. The question related to horse racing at county fairs permitted only in Berkshire and Hampshire counties is lettered C. Both question A and B may appear on the same state election ballot, and in Berkshire and Hampshire counties, questions A, B and C may appear. The questions must be numbered as a single question having parts, Question 7, Part 1, Part 2, etc., for example. The questions under each part are designated by the appropriate letter.

128A:14 provides that questions A and B may be placed on the ballot in any county only by petition starting in 1978. 128A:14B provides that question C was to be placed on the ballot in Berkshire County in 1954 and every fourth year thereafter until the voters of the county voted in the affirmation or in the negative four consecutive times. 128A:14C provides that question C was to be placed on the ballot in Hampshire County in 1958 and every fourth year thereafter until the voters of the county voted in the affirmative or in the negative four consecutive times. Thereafter, question C may be placed on the ballot only by petition.

The text of the questions is specified in 128A:14, 14B and 14C and is as follows:

A. *Shall the pari-mutuel system of betting on licensed horse races be permitted in this county? [128A:14]*

B. *Shall the pari-mutuel system of betting on licensed dog races be permitted in this county? [128A:14]*

C. *Shall the pari-mutuel system of betting on horse races at county fairs be permitted in this county? [128A:14B,14C]*

NOTE: A question related to the disapproval of a race track location may appear by petition on a town election ballot as provided in 128A:13A. (see III. R. HORSE AND DOG RACING TRACKS on page 409)

The procedures to be used for horse and dog racing petitions are the same as outlined under II. A. INITIATIVE PETITION FOR A LAW, 2. through 9. on pages 331-338, except as follows:

NOTE: 128A:14B and 14C specify that the petitions shall be subject to the provisions of Chapter 53 relative to initiative petitions.

1. Petition Form (see sample form E254A on pages 438 and 439)

The petition forms related to horse and dog racing questions are prepared by the state secretary. The forms are the same for each permitted question, except that the title for the subdivision A form is PARI-MUTUEL PETITION: HORSES, for subdivision B, PARI-MUTUEL PETITION: DOGS and for subdivision C, PARI-MUTUEL PETITION: FAIRS. In addition, the form numbers are E254A for horses, E254B for dogs and E254C for fairs.

Each type of form contains the text of the question, instructions to circulators, signers and registrars, the signers' statement, the registrars' certification of signatures, and spaces for the date and time of receipt, the name of the city or town, the name of the county, the signatures and addresses of 60 voters.

Forms are available at the Elections Division, One Ashburton Place, Room 1705, Boston 02108. Forms will be mailed upon request.

2. Certified Signatures Required

The number of certified signatures required on the petitions is at least 10 per cent of the total number of registered voters in the county. Contact the Elections Division, 617-727-2828, 1-800-462-8683, for the exact number for your county. Do not attempt to calculate this number yourself.

3. Who May Sign

Since the questions appear on the state election ballot only in the county from which the petitions were filed, only a registered voter of the county may sign the petition. The voters' party enrollment is immaterial. There is no requirement that signatures be distributed among the cities and towns of the county.

4. Number of Petitions which May be Signed

Each voter may sign the petition for a given question only once. However, if petitions for several questions are being circulated, he may sign once for each question.

5. Processing Petitions

See II. F. PETITIONS FOR ALCOHOLIC BEVERAGE QUESTIONS, 4. Processing Petitions on page 358.

6. Deadline for Filing Petitions with State Secretary [128A:14,14B,14C]

The deadline for filing each type of racing petition is not later than 5:00 P.M. of the 60th day prior to the state election at which the question is to appear on the ballot. For example, if the question appeared on the 1988 state election ballot, the petition must have been filed by September 9th.

7. How Passed

A majority of the votes cast on the question in the county must be in the affirmative for it to be passed.

8. Effect of Passage

If the question passes, the state racing commission may, but is not required to issue licenses in the county for horse or dog racing meetings and in Berkshire or Hampshire counties, for horse racing at county fairs, depending upon the specific question or questions which appeared on the ballot.

H. PETITIONS RELATED TO PAID VACATIONS FOR MUNICIPAL EMPLOYEES [41:111]

41:111 provides for at least two weeks paid vacation for permanent civil service municipal employees and those who are classified as a common laborer, skilled laborer, mechanic or craftsman. Such a vacation is required if the town has accepted 1914:207, 41:111 in any form including earlier provisions of the section or under a question placed on the state election ballot by petition.

The text of the ballot question is specified in 41:111 and is as follows:

> *Shall section one hundred eleven of chapter forty-one of the General Laws, providing for vacations for certain municipal employees, be accepted?*

The procedures to be used are the same as outlined under II. A. Initiative Petition for a Law, 2. through 8. on pages 331-337 except as follows:

1. Petition Form

Petition forms are not prepared or provided by the state secretary and the form is not specified in the General Laws. The petitioners are responsible for preparing the petition and the following should be included:

- the name of the town
- the text of the question on each sheet used in the petition
- the signers' statement as follows: *We, the undersigned, are qualified voters of the town of [name] and in accordance with the provision of law, petition that the above question be placed on the official ballot to be used in this town at the biennial state election to be held in this town.*
- spaces for signers' signatures and addresses. Two address columns should be provided, the same as on other petition forms. The number of spaces provided will depend upon the size of the petition sheet. 8 1/2" X 11" paper may be used, but will provide room for only a few signatures.

  NOTE: The registrars' certification of signatures does not need to appear on each sheet of the petition. The registrars' certificate may be stapled to the processed petition forms.

2. Certified Signatures Required

The number of certified signatures required on the petition is at least one per cent of the total number of registered voters in the town. Since 41:111 does not specify a time when the number of registered voters should be counted to calculate the per cent, such as *at the last preceding annual town election*, the number of registered voters as of the date of signature certification should be used.

3. Who May Sign

Since the question appears on the state election ballot only in the town from which the petition was filed, only registered voters of the town may sign. The voters' party enrollment is immaterial.

4. Receiving the Petition

53:22A does not apply. However, Regs. 55.02(1) require that a receipt be issued and the procedures are the same as outlined under II. A. 6. Receiving Petitions on page 334.

5. Processing the Petition

See II. F. PETITIONS FOR ALCOHOLIC BEVERAGE QUESTIONS on page 337.

The registrars must complete and sign a certification of signatures. If the certification does not already appear on each sheet of the petition, one should be prepared on a separate piece of paper for the entire petition. The following form is suggested.

CERTIFICATION OF SIGNATURES

Name of town_________________

Date________________

We certify that [number of signatures in words & in numerals] signatures checked thus (_____) on the attached petition submitted under the provisions of 41:111, consisting of [number of pages], are names of qualified voters of this town.

____
____
____
____
Registrars of Voters of [town]

After at least three registrars have signed the certificate or their signature stamp has been used, the certificate should be attached to the petition sheets.

6. Filing Petition with Town Clerk

After the petition has been certified, it must be filed with the town clerk. The deadline for filing is 5:00 P.M. on the 60th day before the state election at which the ballot question is to appear.

Upon receipt, enter on the first page of the *petition under 41:111 of [number] pages filed with town clerk at [hour] on [date]* and sign the entry as town clerk.

7. Town Clerk to Transmit

The town clerk must immediately transmit the petition to the state secretary. It may be mailed or hand delivered to the Elections Division, One Ashburton Place, Room 1705, Boston 02108. If mailed, it should be sent certified, return receipt requested, to provide proof that you have complied with the provisions of 41:111.

It is suggested that a copy of the petition and the registrars' certification be kept on file in the town clerk's office at least until 30 days after the election at which the question appears.

8. How Passed

A majority of the votes cast on the question must be in the affirmative for it to be passed.

9. Effective Date

If the ballot question passes, 41:111 is applicable to the town from and after the beginning of the next municipal year. Check with town counsel or the Department of Revenue to determine whether *the next municipal year* in 41:111 is the same as the town's next fiscal year.

I. OBJECTIONS [55B:5,8,9,10] (see sample suggested form for objections on pages 323 and 324)

1. Initiative and Referendum Petitions [55B:5,8,9,10]

Objections that signatures appearing on an apparently valid and filed initiative or referendum petition have been forged or placed there by fraud and that, in consequence thereof, the petition has not been signed by a sufficient number of voters, or any other objection relating to signatures may be made by any registered voter of the commonwealth. [55B:5]

The procedures to be used for objections are the same as outlined under II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, F. OBJECTIONS on page 254, except as follows:

- the information specifically related to candidates does not apply. However, the representatives of the committees in favor and opposed to a ballot question or a person designated by petitioners would have the same rights as candidates at a hearing.

- the following deadlines for filing objections apply: [55B:5]

  - for initiative petitions for a law containing supplemental (additional) signatures, the objection must be filed not later than 5:00 P.M. on the 7th day after the last day for filing the petition with the state secretary

  - for other initiative and referendum petitions, the objection must be filed not later than 5:00 P.M. on the 30th day after the last day for filing the petition with the state secretary

- a copy of the objection must be sent by the objector to the person designated by the petitioners, mailed certified, return receipt requested, not later than the time it is filed with the state secretary. [55B:5]

- notice that an objection has been filed must be given by the state secretary, acting as secretary to the state ballot law commission, to all parties involved by the following deadlines: [55B:8]

  - for initiative petitions for a law containing supplemental (additional) signatures, the notice must be given not later than 5 P.M. of the Friday following the last day for filing objections

    - for other initiative and referendum petitions, the notice must be given not later than 5 P.M. of the Wednesday following the last day for filing objections

NOTE: The *parties involved* are the person designated by the petitioner and representatives of committees supporting and opposing the ballot question.

- hearings on the objections must be held at the following times: [55B:9]
    - for initiative petitions for a law containing supplementary (additional) signatures, not prior to the first Wednesday following the last day for filing objections
    - for other initiative and referendum petitions, not before the second Monday following the last day for filing objections
- the state ballot law commission must render its decision by the following deadlines: [55B:10]
    - for initiative petitions for a law containing supplementary (additional) signatures, the decision must be made not later than 5:00 P.M. on the 14th day after the last day for filing objections
    - for other initiative and referendum petitions, the decision must be made not later than 5:00 P.M. on the 21st day after the last day for filing objections

2. Public Policy Question [55B:4]

The state ballot law commission has no jurisdiction with respect to public policy question petitions. An objection with respect to signatures on such petitions may not be filed under Chapter 55B of the General Laws.

A person objecting to the petition must take the matter to the superior court.

3. County Charter Petitions [34A:3(B); 1985:801,3(B); 55B:5,8,9,10]

Objections to the sufficiency and validity of the signatures on any county charter petition as certified by the boards of registrars shall be made in the same manner as provided by law for objections to nominations papers of candidates for county offices. [34A:3(B); 1985:801,3(B)]

(see II. NOMINATIONS FOR FEDERAL, STATE AND COUNTY OFFICE, F. OBJECTIONS on page 254)

4. Other Petitions

The General Laws governing questions related to alcoholic beverages, horse and dog racing and paid vacation for municipal employees do not specify provisions for objections. A person objecting to one of these petitions should consult a lawyer.

III. PETITIONS FOR TOWN ELECTION BALLOT QUESTIONS

A. GENERAL

There are a number of sections of the General Laws permitting a question to be placed on the town election ballot by petition. Some of these questions may be placed on the ballot either by vote of the selectmen or by petition. Some may be placed on the ballot only by petition.

NOTE: In towns having a town council, substitute that body for *board of selectmen* or *selectmen* in the following.

If there is no section of the General Laws providing for the placement of a question on a town election ballot, it may be placed there only if permitted by the town's home rule charter or by a special act related to the town. For example, there is no provision in the General Laws for a referendum on a vote taken in an open town meeting. However, the standard form of representative town meeting under Chapter 43A (see 43A:10) and most of the special acts establishing representative town meeting, provide for a referendum by petition on certain types of town meeting votes.

A petition requiring the selectmen to place an article on a town meeting warrant under 39:10 should not be confused with a petition to place a question on the election ballot although the ballot question must appear on the town election warrant and that warrant is combined with the meeting warrant if the two events are held within a 35 day period. However, under certain circumstances when no other provision is made in the applicable section of the General Laws, such as under Chapter 32B, Group Insurance, the petition procedures provided by 39:10 must be used.

The following covers only those sections of the General Laws which provide for petitions for ballot questions. Many of the procedures to be used for petitions are the same as outlined under I. NOMINATION FOR TOWN OFFICE, B. NOMINATION PAPERS on page 126. References to that section of this volume of the manual will appear in the following. Significant differences in procedures are indicated in the text under the specific type of petition.

NOTE: A town home rule charter or special act may require different procedures for ballot question petitions and in that case, your town charter or special act must be followed.

The Regulations, 950 CMR 55.00:Certification of Nomination Papers and Petitions, promulgated by the state secretary, apply to the registrars' certification of all petitions.

The procedures outlined below apply to all petitions for town election ballot questions, unless otherwise indicated under a specific type of petition.

1. Petition Form (see sample form on page 440)

For many petitions, the General Laws do not specify a form to be used or indicate who is to provide it. The petition form may be prepared by the petitioners themselves or it may be prepared and provided by the town clerk. In some towns, if the petition is to be filed with the selectmen, they prepare the form and either provide it to petitioners or provide the town clerk with a supply for distribution.

2. Contents

Some items must appear on the petition form but others are optional, as follows:

a. text of the ballot question

The text of the ballot question or a clear indication of what the question is and what it provides must appear on the petition form before signatures are collected.

In most cases, the text of the question to appear on the ballot is specified in the applicable section of the General Laws and should usually appear in that form on the petition. However, if the question relates to the acceptance of a section of the General Laws but the section does not include the question text, the text specified in 54:58A must be used and a summary prepared by town counsel must appear on the ballot. The summary may also appear on the petition form.

NOTE: Unless the applicable law specifically requires it, a summary may not appear under the ballot question.

b. signers' statement

The signers' statement may appear on the petition form and may be similar to the following:

We, the undersigned, are qualified voters of this town and in accordance with the provisions of law, [chapter and section], petition that the above question be placed on the official ballot to be used at the annual town election. We certify that we have not signed this petition more than once.

If the town clerk prepares the petition form, it is suggested that the statement be included. However, its omission will not invalidate the petition.

c. spaces for voters' signatures and addresses

Spaces should be provided for the voters to enter their signatures and their addresses. On all petitions, a signer must enter his current address, including street name and house number, if any, even if the applicable section of the General Laws does not specifically require it. The address is necessary for the registrars to find the voter's name on the voting lists during the certification process. Note, however, that for some petitions as indicated under the specific type, the form must be prescribed or approved by the state secretary. These petitions contain two address columns. (see III. C. TOWN CHARTER PETITIONS on page 377 and V. B. Petition to Call a Special Town Meeting on page 424 for examples)

d. instructions to signers

The instructions to signers may appear on petitions and may be simply *signature as registered (or substantially as registered)* in the title of the signature column. The title of the address column may be *address where registered.*

If the town clerk prepares the form, it is suggested that instructions be included. However, their omission will not invalidate the petition.

NOTE: If the form must be prescribed or approved by the state secretary, the instructions to signers must be as shown on the samples provided by him.

e. registrars' certification

The form for the registrars' certification of the number of certified signatures may but does not need to appear on each sheet of the petition. The registrars may prepare one certificate for all signatures contained in the entire petition and attach it. (see III. A. 7. Processing Petitions on page 370 for suggested form)

f. column for checks and code letters

A column in which to enter the check mark for certified signatures or the code letter for rejected signatures is not required to appear on the petition form. The checks and code letters may be entered in the margin next to the signer's name.

NOTE: A petition for a town charter shall not contain or be accompanied by any indication of party or political designation. [43B:15(c)] While not specifically stated in other sections of the General Laws, no petitions should contain a party or political designation.

A petition may consist of several sheets, particularly if a large number of signatures is required. However, at least the text of the ballot question or a clear indication of what the question is and what it provides must appear on each sheet before any signatures are collected to insure that each voter knows exactly what he is signing and so that the officials who must process the petition can be certain that the voter signed for that specific question. A voter should not sign a sheet containing only columns for signatures and addresses, even if it is or was originally attached to one containing the question and signers' statement. He risks having his signature separated from the question and being attached to a different one.

Voters' signatures and addresses may appear on both the front and the back of the sheet, the same as nomination papers.

NOTE: For information on petitions for warrant articles or to call a special town meeting, see V. PETITIONS - TOWN MEETINGS on page 422.

3. Material Provided

The General Laws do not require that ballot question petition sponsors or circulators be provided with a free copy of the voting list or the street list. However, the Elections Division recommends that a free copy of each list be provided, upon request, for each ballot question and in many towns, this is the usual practice. A record is kept of the free copy provided and a charge is made for additional copies.

In addition, written information concerning the number of signatures required, deadlines for filing, etc. may be prepared and provided.

The Elections Division has prepared 2 sheets containing information related to petitions for local ballot questions, *A Guide For Circulating Petitions to Place a Question on a Local Election Ballot* and *Petition Series E* related to a petition for a local non-binding public opinion advisory question. (see III. B. PUBLIC OPINION ADVISORY QUESTIONS on page 375) A supply of these two publications may be obtained from the Elections Division and provided to petitioners, as applicable.

4. Collecting Signatures

The procedures for collecting signatures on all petitions are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 6. Collecting Voters' Signatures on page 150, except that the number of signatures required varies according to the type of petition and is indicated in the text under each. In each case when the applicable section of the General Laws does not specify a time for counting the total number of registered voters, such as *as of the preceding annual town election*, the total number of voters in the town as of the time the petition is submitted should be used to calculate the required per cent of certified signatures. In addition, any voter of the town may sign the petition, regardless of party enrollment, district or precinct. If petitions for more than one question are being circulated, a voter may sign one petition form for each question.

5. Submitting Petitions

Many of the applicable sections of the General Laws do not specifically require that petitions be submitted to the registrars for signature certification. However, even if not so specified, the petition should be submitted and signatures certified to be certain that it contains the required number. Otherwise, allegations may be made that the question is not properly on the ballot.

NOTE: If the question may be placed on the ballot by vote of the selectmen, they may do so on their own initiative, whether or not a petition is filed. If, after a petition is filed, they decide to put the question on the ballot themselves, the petition does not need to be submitted to the registrars for certification in order to have the question properly placed on the ballot. However, the selectmen should file with the town clerk, a certified copy of their vote including a request to have the question appear on the ballot and specifying the election at which it is to appear.

6. Deadline for Submission

The deadlines for submission are not specified in the General Laws for all petitions. Some specified deadlines are different for different types of petitions. In some cases, the deadline for submission is a practical one to permit the town clerk to print the question on the ballot.

If the applicable section of the General Laws states simply that signatures are to be certified by the registrars, or words to that effect, the provisions of 53:7 apply. [53:7, last paragraph] For some petitions, the applicable section of the General Laws refers to the provisions of Chapter 53 or to 53:7 governing the submission of signatures. In these cases, the deadline for submission to the registrars is 14 days before the filing deadline. [53:7]

If, however, the general law section refers to the provisions of Chapter 53 *governing submission and certification of nomination papers for candidates for state office*, the deadline for submission to the registrars is the 28th day prior to the filing deadline.

In addition, if the selectmen have fixed a deadline for filing petitions for local ballot questions under 54:103P, all petitions must be submitted to the registrars at least 14 days before the deadline for filing whether or not a submission deadline or a reference to Chapter 53 appears in the section of the General Laws related to the petition. [54:103P] (see III. A. 10. c. changing deadline for filing on page 372)

However, if the petition must be filed with the selectmen and there is no reference in the General Laws to submitting the petition to the registrars for certification prior to filing and the selectmen have not fixed a deadline for filing under 54:103P, the selectmen should transmit the petition to the registrars since the signatures should be certified. The procedures specified in the last paragraph of 39:10 apply.

7. Receiving Petitions

All petitions received must be time stamped or the date and time of receipt noted on them. [Regs. 55.02(1)

If the petition consists of several sheets, each sheet should contain the date and time of receipt even if they are stapled together at the time of submission. This will avoid any allegations being made at a later time that some signatures were not submitted on time and should not have been processed.

The procedures outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 8. Receiving Nomination Papers, c. through i. on pages 162-164 apply to petitions. However, for identification, the subject of the question and the general law reference should be entered on the receipt instead of the candidate's name and the office sought.

A petition should be accepted for processing if it contains the text of the question, or a clear indication of what the question is and what it provides and the voters' signatures and addresses. If in doubt, contact town counsel or the Elections Division, 617-727-2828, 1-800-462-8683.

8. Processing Petitions

The procedures for processing petitions are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 9. Processing Nomination Papers on page 165, except as follows:

- the information specifically related to primary nomination papers and candidates' certificates of enrollment or registration does not apply.
- the voting list used to process nomination papers may be used for a petition, if the petition is submitted at or near the same time as the papers are being processed and if an appropriate code to indicate which voters signed is used. Otherwise, use a separate voting list updated as of the time the petitions are processed.
- under the Regulations, the registrars must certify the number of signatures required to place the question on the ballot increased by two-fifths, if a sufficient number of signatures have been submitted. [Regs. 55.02(8)] The number required to be certified is also specified in the applicable general law section for some petitions. (for example, see 43B:3 governing town charter petitions)

  NOTE: If the petition is being processed under 39:10, however, the registrars need not certify more signatures than the number required by that section, but may do so if they wish. (see 39:10, last sentence)
- if the form for the registrars' certification of signatures is not included on the petition, the registrars should prepare it and attach it to the petition. One certificate is needed for a petition consisting of several sheets but, in that case, all sheets and the certificate should be stapled together. A certificate should state the number of sheets in the petition as well as the number of certified signatures. The following form may be used.

SAMPLE CERTIFICATION OF SIGNATURES

(Registrars' Letterhead)

Date:______________________

We certify that [number in words & in numerals] signatures checked thus on the petition (_____) for a ballot question related to [subject] under General Laws [chapter and section #] consisting of [#] sheets and attached hereto are names of qualified voters of this town.

____

____

____

____

Registrars of Voters of [town]

9. Guidelines for Signature Certification

For all petitions, the guidelines for signature certification are the same as outlined under I. NOMINATION FOR TOWN OFFICE, 10. Guidelines for Signature Certification, a. signatures and b. addresses on pages 175-177.

10. Petitions Filed with Town Clerk

In many cases, the processed petitions containing a sufficient number of signatures are required to be filed with the town clerk in order for the question to appear on the ballot and the procedures outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 11. Filing Nomination Papers on page 180 generally apply, except the information specifically related to candidates and as follows:

a. who must file

Most of the General Laws applicable to petitions do not specify who must file them. However, in some cases, the petition must contain an endorsement by three persons designated as filing. (see III. F. TOWN POSITIONS PLACED UNDER CIVIL SERVICE on page 389 for example)

b. deadline for filing

The deadline for filing with the town clerk is different depending upon the type of petition. For many petitions, the deadline must be inferred. For example, the general law section may require the question to be placed on the ballot of the next annual town election held more than 30 days after filing. In that case, the deadline for filing would be the 31st day before the election.

c. changing deadline for filing [54:103P]

In any town where petitions are filed to place questions on the official ballot, the selectmen may fix the last day for filing such petitions. The procedures for fixing the filing deadline are the same as outlined under I. NOMINATIONS FOR TOWN OFFICE, B. 11. c. changing last day for filing on page 184.

11. Petition Filed with Selectmen

Some petitions are required to be filed with the selectmen instead of the town clerk. If the selectmen have fixed the last day for filing under 54:103P, the petitions should first be submitted to the registrars 14 days before the last day for filing.

Otherwise, the selectmen should transmit the petition to the registrars for certification. A receipt should be provided. (see Regs. 55.02(1)] The following form may be used.

SAMPLE RECEIPT - PETITION RECEIVED

Date__________________

Received from the selectmen, a petition for a ballot question related to [subject] consisting of [#] sheets.

____
Clerk to Board of Registrars

The selectmen may request that the original petition be returned after certification. If so, it is recommended that you make a copy of the petition and the registrars' certification of signatures and file them in your office is case the originals are accidentally lost or destroyed. It is also recommended that you obtain a receipt from the selectmen when the petition is returned. The following form may be used.

SAMPLE RECEIPT - PETITION RETURNED

Date____________________

Received from registrars, a petition for a ballot question related to [subject] consisting of [#] sheets and containing [#] signatures certified by the board of registrars as qualified voters of the town.

_____________signature______________________
For the Board of Selectmen

12. Public Records [4:7(26); 66:10; Public Records Access Regulations, 950CMR 32.00]

Petitions are public records as soon as they are received, whether by the registrars, the town clerk or the selectmen. (see NOMINATIONS FOR TOWN OFFICE, B. 8. i. public records on page 164, B. 11. h. public records on page 187 and FILING AND RECORDING, I. FILING, RECORDING, INDEXING in Volume 2 of this series)

13. Retention Period [state retention schedule #2.29, #2.31]

The retention period for petitions, except charter petitions, is one year. The item is not starred in the state retention schedule and permission from the state supervisor of public records must be obtained prior to disposal. [state retention schedule #2.29]

Charter petitions must be kept permanently. [state retention schedule #2.13]

14. Placing Question on Ballot

The town clerk is responsible for having the question printed on the ballot whether or not the applicable section of the General Laws specifies that the question be filed with him. If the petition is to be filed with the selectmen, they shall *cause* or *order* the question to be placed on the ballot, and in that case, should give a formal written notice to the town clerk including that a valid petition was filed, the date of filing, the text of the ballot question and a certified copy of their vote.

If more than one question is to be placed on the ballot for a given election, the order in which the questions appear is determined by the town clerk. A good rule to follow is to place binding questions before non-binding questions and within each category to place the questions in the order in which the petitions were submitted. Note, however, that for petitions related to placing incumbents under civil service, the order is specified in the General Laws if two or more incumbents are involved. (see III. F. TOWN POSITIONS PLACED UNDER CIVIL SERVICE on page 389)

In most cases, the question must be printed on an annual town election ballot, not a special election ballot. (see III. E. REFERENDUM PETITIONS - REVOKE ACCEPTANCE OF GENERAL LAWS on page 387, G. 7. Group Insurance on page 393 and III. Q. ALCOHOLIC BEVERAGE QUESTIONS on page 407 for exceptions)

15. Objections [55B:7; 1988:296]

An objection to an apparently valid and filed petition for a ballot question may be made. However, if the petition were not filed because of an insufficient number of certified signatures, the registrars' decisions made during the certification process may be appealed to court. An objection may not be filed in this case.

The procedures to be used are the same as outlined under NOMINATIONS FOR TOWN OFFICE, E. OBJECTIONS on page 202, except as follows:

- the information specifically related only to candidates does not apply.
- any registered voter of the town may file an objection
- the objection must be filed within two working days of the last day for filing the petition or within two working days of the day on which certification of signatures must be completed, whichever is later. [1988:296]

  NOTE: If the petition is submitted to the registrars after it was filed with the town clerk or the selectmen and there is no deadline for certification specified in the applicable section of the General Laws, the objection must be filed within 2 working days after certification has been completed. A valid certified petition must exist before an objection may be filed. If in doubt as to the deadline for filing an objection, contact town counsel or the Elections division.

- notice of an objection must be sent to the first 5 names appearing as signers on the petition or any other persons designated as sponsors. [55B:7] For example, the three persons designated as filing a petition under 31:55 (civil service) would be the sponsors.

- the objector, petitioners or designated sponsors have the same rights as candidates at the hearing

- a decision must be rendered by the registrars not later than 4 days after the last day for filing the objection. However, the decision need not be rendered until 14 days after the last day for filing the objection provided the date on which the decision is made does not prevent the question from qualifying for the ballot this is: on the 30th day before any previously scheduled election at which the question could appear. [1988:296]

- objections to petitions are not included in the state retention schedule. It is suggested that they be kept for one year. Permission from the state supervisor of public records must be obtained prior to disposal.

16. How Passed

A majority of the votes cast on the question must be in the affirmative for it to be passed.

B. PUBLIC OPINION ADVISORY QUESTION [53:18A]

A non-binding public opinion advisory question may be placed on the annual town election ballot in any town under the provisions of 53:18A, unless an alternative procedure is authorized by the town's home rule charter or special act. In that case, the alternative procedure should be used.

53:18A provides three methods by which the question may be placed on the ballot; by vote of the board of selectmen or the town council in towns having that form of government, by vote of an annual town meeting, or by petition.

NOTE: There is no limit specified in 53:18A on the number of public opinion advisory questions which may be placed on the same ballot.

The procedures for petitions for a public opinion advisory question are as follows:

1. Original Petition

Ten registered voters of the town may draw up and sign a petition for the public opinion advisory question. The text of the question is prepared by the petitioners.

53:18A does not restrict the subject matter of a question. Typical questions advise the appropriate town board or committee to take certain action such as, to provide new town offices, hold a hearing or study and report on an issue or proposal, to close or open a school.

The following form of the question may be used:

> *Shall the voters of the town advise the board of selectmen to study the advisability of providing new town offices and report to the next annual town meeting?*

The petition should be presented to the board of selectmen. The selectmen should transmit the petition to the registrars for signature certification although this is not specifically required by 53:18A.

2. Selectmen's Action

   a. approve petition

   If the selectmen approve the petition no later than the 30th day preceding the election, the question must be placed on the ballot at the next annual town election. Note that is the selectmen decide to put the question on the ballot of their own initiative, whether or not a petition has been filed, they must vote to do so not later than the 30th day before the election. (see 1988:72)

   The selectmen should file with the town clerk a certified copy of their vote approving the petition and a copy of the question as it is to appear on the ballot. In some towns, the original petition is filed by the selectmen with the town clerk.

   NOTE: 54:42B requires that the words, *This question is not binding* appear on the ballot with the question.

   b. selectmen do not approve petition

   If the selectmen do not approve the petition at least 90 days before the next annual town election, the petitioners may obtain additional signatures to require the question to be placed on the ballot.

   If the original petitioners believe that the selectmen are not likely to approve their petition, they should submit it at least a week or two before the 90 day deadline so they will be able to collect the additional signatures before the petition must be submitted to the registrars. (see III. B. 3. b. deadline for submitting to registrars below) The petitioners would be well advised to contact the selectmen's office to determine how far in advance of the 90th day before the election they should present the petition to be sure the subject is placed on the selectmen's meeting agenda in time.

   NOTE: If the petitioners present the original petition to the selectmen after the 90th day before the election and the selectmen do not approve it, there is no provision in 53:18A for collecting additional signatures to require the question to be placed on the ballot for the next election, even if there is time to do so before the deadline for certification. (see III. B. 3.c. filing petition with the town clerk on page 377)

3. Petition for Additional Signatures - Original Petition not Approved

The petition for additional signatures may be in substantially the same form as that used for a state election public policy question although the form of petition is not specified in 53:18A. (see sample form E-165 on page 433)

a. certified signatures required

The number of certified signatures required on the petition is at least 10 per cent of the total number of registered voters in the town but, in no event, less than 20. The total number of registered voters as of the date the petition is filed with the registrars should be used to calculate the per cent.

b. deadline for submitting petition to registrars

53:18A requires that the petition be *filed* with the registrars who shall have 7 days after receipt to certify the signatures. To be certain that the question will appear on the next annual town election ballot, it should be submitted as early as possible and not later than the 38th day before the election. That submission date will give the registrars the full statutory period for processing before the deadline for certification. (see III. B. 3. c. filing with town clerk below)

Petitions submitted after the 38th day prior to the election should be processed by the registrars but, if there is a large number of signatures which must be examined, they may not be able to complete the work in less than the 7 days permitted or in time for the question to be placed on the next town election ballot. In that case, the question would be placed on the succeeding town election ballot.

All sheets of the petition do not need to be submitted at the same time.

c. filing with town clerk

No formal filing with the town clerk is required. 53:18A provides that upon certification of signatures, the town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than 30 days after such certification. Certification of the required number of signatures must be completed not later than the 31st day before the election at which the question is to appear.

d. effect of public opinion advisory question

A public opinion advisory question on a town election ballot has the same effect as a public policy question on a state election ballot. It is an expression of the sentiments of the voters only and is not binding.

C. TOWN CHARTER PETITIONS [43B:2,3,4,6,10,11,12A,15; 1986:240; 1988:296; Mass. Const., Amend. Art. 2,70,89] (see also ELECTION RESOURCE HANDBOOK, *Local Charter Procedures* prepared by and available from the Elections Division)

Every city or town shall have the power to adopt or revise its charter or to amend its existing charter in accordance with the procedures prescribed by Chapter 43B of the General Laws. [43B:2] Town charters adopted under Chapter 43B are generally known as *home rule charters*.

The procedures for town charter petitions are as follows:

1. Petition to Adopt or Revise

A town home rule charter may be adopted or revised only by petition of the registered voters requiring a question to be placed on an annual town election ballot.

a. petition form [43B:3,15; 1988:296] (see sample form E256 on pages 441 and 442)

The petition to adopt or revise a charter must be in the form prescribed by the state secretary. [43B:15(c); 1988:296] It must contain the following:

- the text of the signers' statement as it appears in 43B:15(a)
- a column for voters' signatures
- two address columns, one for the present address and the other for the address on January first the same as on nomination papers
- instructions to signers

The petition may consist of several sheets [43B:3], but each sheet must contain the information outlined above before signatures are collected.

No petition shall contain or be accompanied by any indication of party or political designation.

The text of the ballot question is specified in the Massachusetts Constitution as follows depending upon whether the petition relates to adopting or to revising a charter:

Shall a commission be elected to frame a charter for [name of town]?

Shall a commission be elected to revise the charter of [name of town]?

The text of the question does not appear on the petition form. However, the signers' statement clearly indicates the nature of the petition.

b. providing forms [43B:3]

The town clerk must furnish the forms to any registered voter of the town requesting them. Blank forms are not available from the Elections Division as are town charter commission nomination paper forms. However, a sample form prescribed by the state secretary is available from the Elections Division and is shown in the sample on pages 441 and 442.

This sample may be used as a guide for preparing petition forms for use by circulators. The forms may be commercially printed or typed and duplicated in the office. The method used to prepare forms will depend upon the number of signatures required in your town and the funds available for printing.

If a large number of signatures is required and funds are available, the forms should probably be commercially printed. A copy of the sample form provided by the Elections Division may be furnished to the printer. He will need to delete the word SAMPLE before printing. In addition, the title and the signers' statement should be adjusted to apply only to revision or to adoption, as applicable, but not to both.

If a small number of signatures is required, typing the form and duplicating it in the office may be feasible but you should be certain that the title of the form, the required signer's statement, instructions, a signature column and two address columns appear on each form. The registrars' certification of signatures is not required by 43B:3 to appear on each form. (see III. A. 2. e. registrars' certification of signatures on page 368 and III. A. 8. Processing Petitions on page 371)

It is suggested that you ask the person obtaining the blank forms to give you the name, address and telephone number of the person who will be responsible for filing the petitions and make a record of this information. In some towns, the person obtaining the forms signs a receipt and the information concerning the person responsible for filing is entered on the receipt. (see III. C. 1. d. filing petitions with the registrars below)

c. certified signatures required [43B:3]

The number of certified signatures required on the petition is at least 15 per cent of the number of registered voters in the town at the preceding state election. To calculate the number of signatures required, determine the number of voters as of the close of registration for the preceding state election and multiply by 0.15.

d. filing petition [43B:3; 1986:240]

The petitions must be filed with the board of registrars. Note that 43B:3 uses the term *filing with* the registrars while Chapter 53 generally uses the term *submitting to* the registrars. However, the purpose is the same, regardless of the term used; that the registrars must certify the signatures.

No deadline for filing is specified. However, to be certain that the question will appear on the ballot at the next annual town election, the petitioners should complete filing with the registrars at least 100 days before the election. This timing will permit each board which is involved in these procedures, the full statutory period within which to act. If the petition is filed later and the boards take less than the statutory period to act, the question could appear on the next election ballot, provided the selectmen's order is adopted by the 60th day before that election and provided, if the selectmen fail to adopt an order, they received the registrars' certification by the 90th day before the election. (see III. C. 1. h. order for ballot question on page 381)

The sheets constituting a petition need not be filed at the same time. The petition shall be deemed filed whenever the persons responsible for its filing shall notify the board of registrars in writing that the filing is complete. The name, address and telephone number of the person responsible for filing should be obtained either at the time the blank forms are provided or at the time the first petition sheets are filed with the registrars.

e. processing petitions

(1) before filing complete [43B:3; 1986:240]

The registrars may, but are not required to, start processing the petitions before the notice that the filing is complete has been received.

(2) number of signatures processed [43B:3]

The registrars need not certify more than 140 per cent of the number of names required to file a valid petition. For example, if 500 signatures are required, processing may be discontinued when 700 signatures have been certified or when all signatures have been processed if less than 700 can be certified.

(3) deadline [43B:3]

The processing of all sheets in the petition and the certification of signatures must be completed and signed within 10 days after the day on which the notice of complete filing was received. (see III. C. 1. d. filing with registrars on page 379)

f. reporting results [43B:3,4]

The registrars must report the results of certification to the board of selectmen by filing their report with the town clerk. The deadline for filing this report is the same as the deadline for certification.

The report should consist of a certificate signed by a majority of the registrars showing the total number of signatures certified on the petition and a statement as to whether or not this number is sufficient.

SAMPLE REPORT

To: Board of Selectmen

Date:

This is to certify that there are [number in words & in numerals] names of qualified voters from this town on the petition for the adoption [revision] of a town charter consisting of [number] sheets filed with this board on [date]. This is to certify further that 15 per cent of the total number of registered voters at the preceding state election, required by the provisions of Chapter 43B, section 3 of the General Laws, is [number]. Therefore, this petition contains [does not contain] a sufficient number of valid signatures.

____
____
____
____
Registrars of Voters of [town]

Upon receipt of the registrars' report, it should be time stamped or the date and time of receipt noted on it. It may be attached to the petition sheets.

g. notifying selectmen

While not specifically required by Chapter 43B, the town clerk should notify the board of selectmen as soon as possible after the registrars' report is filed. The notice may consist of a certified copy of the report.

NOTE: Any paper or document required by Chapter 43B to be filed with or submitted to the board of selectmen shall be deemed filed or submitted when it is delivered to the town clerk or to his office. [43B:16]

h. order for ballot question [43B:4]

Within 30 days after receipt of the registrars' certification that the petition contains sufficient valid signatures, the selectmen shall provide for submitting a question of adopting or revising the charter to the voters and for the election of a charter commission at the first annual town election to be held on or after the 60th day following the order.

NOTE: The registrars' certification referred to in 43B:4 is the registrars' report referred to in 43B:3. It is received by the selectmen when it is filed with the town clerk.

Even though not specifically required by law, a certified copy of the selectmen's vote ordering the question and the election of charter commission members to appear on the ballot should be transmitted to the town clerk since he is responsible for preparing and printing the town election ballot.

If, however, the selectmen do not make an order within the 30 days, the question shall be submitted to the voters and charter commission members elected at the first annual election which is held on or after the 90th day following receipt by the selectmen of the registrars' certification. In this case, the town clerk would place the question, the office of charter commission member and the names of candidates on the ballot without the selectmen's order or vote. (see III. NOMINATIONS FOR CHARTER COMMISSION, B. 2. Town Charter Commission Nomination Papers on page 266)

i. effect of passage [43B:6]

If a majority of the votes cast on the question of adopting or revising a charter is in the affirmative, the nine candi- dates for charter commission member receiving the highest number of votes shall be declared elected.

j. notifying of Executive Office of Communities and Development [43B:6]

If the question is passed, the town clerk must notify the Executive Office of Communities and Development and its secretary shall notify the charter commission of the dates for submission of its report and the available date or dates that such report can be placed on the ballot.

The town clerk's notice may be in letter form, or a certified copy of the vote, and should include the names and addresses of the charter commission members elected. Notice should be mailed to Executive Office of Communities and Development, 100 Cambridge Street, 9th Floor, Boston 02202.

k. objections [43B:3; 1986:240]

Objections to the sufficiency and validity of the signatures on any petition as certified by the registrars may be filed in the same manner as provided by 55B:7. The objection must be filed within 2 working days after the registrars' certification report was received by the town clerk. (see III. A. 15. objections on page 374)

2. Petition to Propose Amendments [43B:10]

Amendments to a town charter, adopted under Chapter 43B or under a special act, may be proposed by the town meeting by a two-thirds vote, provided that only a charter commission elected under Chapter 43B may propose any change in the charter relating to the composition, mode of election or appointment, or terms of office of the legislative body (representative town meeting members or town council), or the board of selectmen or town manager. [43B:10(a)]

In addition, the town meeting must consider and vote on any suggested charter amendment, not excluded under 43B:10(a), and not substantially the same as an amendment already considered and voted upon within the last 12 months. Such amendments may be suggested in a written request signed by the town manager or the selectmen or by petition. [43B:10(b)]

The written request or petition would place an article containing the text of the proposed amendment on the town meeting warrant. However, the procedures with respect to the petition are somewhat different from those usually used for other articles to be included in the warrant.

The procedures for a petition are as follows:

a. petition form [43B:15] (see sample form E295 on page 443)

The petition must be in the form prescribed by the state secretary and is substantially the same as a petition for charter adoption or revision as outlined under III. C. 1. a. petition form on page 378, except that space is provided at the top of the form in which the text of the proposed amendment is to be entered and the signers' statement and form number are different.

b. providing forms [43B:15]

The procedures for providing the form are the same as for forms for adoption or revision of a charter outlined under III. C. 1. b. providing forms on page 378, except that in this case, there would probably be no need to have forms commercially printed because of the small number of signatures required.

c. certified signatures required [43B:10]

The number of certified signatures required on the petition is 10 registered voters of the town, the same number as is required to place other types of articles on the annual town meeting warrant by petition.

d. submitting petitions

43B:10 does not specifically require that the petition be submitted to the registrars for signature certification. (see III. A. 5. Submitting Petitions on page 369)

e. filing petition [43B:10(b)]

The petition must be filed with the town clerk. Upon receipt, time stamp or note the date and time of receipt on the petition.

NOTE: A written request for a proposed charter amendment signed by the town manager or the selectmen must also be filed with the town clerk.

No deadline for filing is specified in the law. However, to be certain that action is taken on the article containing the proposed amendment at the next annual town meeting, the petition should be filed at least 6 months before the meeting.

NOTE: A petition for a special town meeting may be filed after the hearing and the vote on the proposed amendment may be taken at such special meeting instead of at the annual meeting. (see III. C. 2. h. town meeting action on page 384)

f. notifying selectmen

While not specifically required by 43B:10, the town clerk should notify the selectmen of receipt of the petition since they are required to hold a hearing on the proposed amendment. It is suggested that a copy of the petition showing the date and time of receipt and the registrars certification of signatures be used as the notice. Otherwise, include the date and time of receipt in the notice since the period within which the hearing must be ordered and held starts with the filing date.

g. hearing [43B:10(b)]

At the earliest convenient time not later than 3 months after the petition, or the written request signed by the town manager or selectmen, was filed with the town clerk, the selectmen must order a public hearing to be held. The selectmen or a committee established by them for the purpose must hold the hearing.

Any number of suggested amendments may be considered at the same hearing provided each has been properly filed with the town clerk.

The hearing must be held not later than 4 months after the filing date of any suggested amendment and at least 7 days notice of the hearing must be published in a newspaper of general circulation in the town.

The board of selectmen or the hearing committee must report its findings to the town meeting. There is no requirement that the report be in writing or printed in the warrant. It may be a report given verbally at the town meeting.

h. town meeting action [43B:10(b)]

The first annual town meeting held at least 6 months after the date on which the suggested amendment was filed with the town clerk, must vote on each proposed amendment.

However, at any time after the public hearing, 200 regis- tered voters, or 20 per cent of the total number of voters in the town, whichever is the lesser, may request in writing that a special town meeting be held to consider the proposed amendment(s). In this case, the petition for a special town meeting form should be used. If a valid petition is filed, the selectmen must call a special meeting which must be held not more than 45 days after receipt of the request. (see V. PETITIONS - TOWN MEETINGS, B. PETITION TO CALL A SPECIAL TOWN MEETING on page 424)

i. submission of town meeting action [43B:10(c)]

If the proposed amendment is approved by a 2/3rds vote at town meeting, the text of the amendment must be submitted to the attorney general and to the Executive Office of Communities and Development. 43B:10 does not specify who is to submit the proposed amendment. It may be submitted by the town clerk or by the selectmen.

A certified copy of the town meeting vote and, unless it is included in the vote, a copy of the text of the amendment should be submitted.

The attorney general must give a written opinion to the selectmen within four weeks. If the opinion sets forth any conflict between the proposed amendment and the General Laws or the Constitution, the order to place the proposed amendment on the town election ballot shall not take effect unless the defects are corrected by a 2/3rds vote of a second town meeting. The order takes effect as specified in the second vote.

If the attorney general's opinion is favorable, the order to place the proposed amendment on the ballot takes effect 4 weeks after the amendment was submitted to the attorney general.

NOTE: The *order to place the proposed amendment on the ballot* results from a 2/3rds affirmative vote to do so at the town meeting. It is suggested that the vote contain the phrase *and the proposed amendment shall be placed on the town election ballot* or words to that effect.

j. question on election ballot [43B:10,11]

If the attorney general reports no conflicts, the question of the proposed amendment is placed on the ballot at the first annual town election held at least 2 months after the order became effective. If the attorney general's report was unfavorable, the question of the proposed amendment is placed on the ballot at the annual town election specified in the corrective vote. [43B:10]

The text of the question is specified in 43B:11 as follows:

> *Shall this town approve the charter amendment proposed by the town meeting [town council] summarized below?*

Each separate proposed amendment should be placed in a separate question and a summary prepared by town counsel must appear with each question.

k. objections

43:10 and 43:11 do not specify procedures for objections. The procedures outlined under III. C. 1. K. objections on page 378 would probably apply.

3. Petition to Resubmit Charter to Voters [43B:12A]

NOTE: There is some doubt about the constitutionality of 43B:12A since there is no provision in the Massachusetts Constitution for an *optional charter* or submitting it to the voters.

A charter submitted to the voters in accordance with Chapter 43B which has failed to receive approval, but which has received the affirmative votes of not less than 35 per cent of those voting upon the question, shall be considered an optional charter for the town.

Upon petition of 10 per cent of the registered voters of the town, the optional charter shall be resubmitted to the voters at a regular town election held no later than the second year following the original submission to the voters. The selectmen shall cause any changes to be made in dates in the charter as originally submitted which are necessary to ensure the orderly implementation of the optional charter.

The form for the petition is not specified in 43B:12A. The petitioners may prepare the form but it should be substantially the same as the form for adopting or revising a charter. (see sample form on pages 441 and 442)

The deadline for filing the petition is not specified in 43B:12A. It should be filed early enough to permit the signatures to be processed and the question to be printed on the ballot.

NOTE: Procedures for adopting, revising and amending a town home rule charter other than those related to petitions, are not covered in this manual. See Chapter 43B, G.L.

D. REVOKING A SPECIAL ACT [4:4A]

If a special act has been accepted by the voters of a town under a question on an official ballot and has been in effect for at least three years since the date of acceptance, the question of its revocation may be placed on an annual town election ballot by petition, except that no petition to revoke is permitted if one of the following applies:

- the town has more than 15,000 inhabitants
- the special act contains provisions for its revocation. In that case, the provisions in the act must be followed.
- the acceptance authorizes but does not require the town to act in any manner
- the special act authorizes the making of a capital outlay or public improvement
- the special act involves participation or membership in a district including a regional school district

In addition, the provisions of 4:4A do not apply to any action taken under Chapter 31 (civil service) or Chapter 32 (retirement system) of the General Laws.

The revocation of a special act cannot affect any contractual, civil service, tenure, pension or retirement rights arising from the provisions of such special act.

The petition procedures different from or in addition to those outlined under III. A. General on page 366 are as follows:

1. Text of Question

The text of the question is specified in 4:4A as follows:

> *Shall the acceptance by the town of [name] of an act passed by the General Court in the year [year], being chapter [#] of the acts of [year], entitled "An act providing [include title of act] in the town of [name]" be revoked?*

2. Certified Signatures Required

The number of certified signatures required on the petition is at least 10 per cent of the registered voters of the town. No minimum number, such as *not less than 20,* is specified as it is for a petition for a public opinion advisory question.

3. Submitting Petitions

4:4A does not specifically require that signatures be certified by the board of registrars nor does it refer to Chapter 53. (see III. A. 5. Submitting Petitions on page 369)

4. Processing Petitions

There is no deadline specified in 4:4A by which the petition must be certified.

5. Filing Petition

The petition must be filed with the board of selectmen not less than 90 days before the date of the annual town election at which the question is to appear. (see III. A. 11. Petition Filed with Selectmen on page 372)

6. Placing Question on Ballot

If the petition contains sufficient certified signatures, the selectmen must place the question on the annual town election ballot. (see III. A. 14. placing question on ballot on page 374)

7. Effective Date

If the question is passed, the special act becomes null and void beginning with the first day of the month next following the vote.

E. REFERENDUM PETITION - REVOKING ACCEPTANCE OF GENERAL LAWS [4:4B]

If acceptance is required for a section of the General Laws to become effective in a town, such acceptance may be revoked in the same manner as it was accepted, after the expiration of three years from the date of acceptance. For example, if the general law section requires that it be accepted by a town meeting vote, a town meeting vote may revoke the acceptance, except under the following circumstances:

- the section of the law provides another manner for revocation, OR
- the section authorizes but does not require acceptance by the town to act.

In addition, the provisions of 4:4B do not apply to any action taken under Chapter 32 (retirement system) or Chapter 32B (town group insurance coverage), or to any action taken to establish a regional district, author- ity or other entity which involves another city, town, municipality, district or other governmental entity. Also 4:4B shall not affect any contractual or civil service rights which have come into existence between the town and any officer or employee as a result of the original acceptance of any section of the General Laws, but the revocation shall apply to any successor to the incumbent officer or employee.

If the vote to revoke the acceptance of the law was taken by a method other than a question appearing on an official ballot, the vote is subject to a referendum by petition.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is specified in 4:4B as follows:

> *Shall the acceptance by [name of town] of section(s) [#] of chapter [#] of the General Laws be revoked?*

A summary of the relevant section(s) of the General Laws, drafted by town counsel, must also appear on the ballot.

2. Certified Signatures Required

The number of certified signatures required on the petition is at least 5 per cent of the registered voters of the town. No minimum number, such as *not less than 20,* is specified as it is for a petition for a public opinion advisory question.

3. Submitting Petitions

4:4B specifies that petitions shall be in substantial conformity with the law governing the signing of nomination papers for town officers, as to the identification and certification of names thereon and submission to the registrars thereof. The provisions of 53:7 for certification of town nomination papers apply and the deadline for submission is the 14th day prior to the last day for filing with the town clerk.

4. Filing Petition

The certified petition must be filed with the town clerk not later than 5:00 P.M. on the 60th day following the date on which the town meeting vote revoking acceptance of the law was taken.

5. Revocation Suspended

If a valid petition is filed, the town meeting vote to revoke acceptance of the section of the General Laws is suspended from taking effect until the election at which the voters vote on the ballot question.

6. Placing Question on Ballot

If a valid petition is filed, the town clerk must place the question on the next annual town election ballot. However, the selectmen may direct that a special town election be called for the purpose of voting on the question and if so, the town clerk must place the question on the ballot for that election.

7. Effective Date

If the law is revoked, it shall become null and void beginning with the first day of the month following the vote.

NOTE: If, at the time a town is authorized under 4:4B to revoke its acceptance of a law, the town has adopted a change in charter or is otherwise required to adopt a different procedure for acceptance of such law other than the procedure used for its original acceptance, then the procedure for acceptance in effect at the time of revocation shall be the manner for revoking the original acceptance.

F. TOWN POSITIONS PLACED UNDER CIVIL SERVICE [31:52,53,54,55]

1. General

Certain positions in towns may be placed under civil service by petition. The positions are specified in 31:52 and 53 as follows:

a. in towns having more than 5,000 inhabitants

- positions in either the official service or the labor service [31:52(3),(4)]
- school janitors, attendance supervisors, or school clerical positions [31:52(e),(f),(g)]

b. in towns having more than 5,000 but not more than 10,000 inhabitants

- sealers and inspectors of weights and measures and their deputies [31:52(h)]

c. in any town

- fire chief or police chief [31:52(a),(b)]
- members of police, fire, or call fire forces or parking meter supervisors [31:52(c),(d)]
- an office in which the incumbent has served at least 5 years immediately prior to the filing of a petition, except an elected

officer, clerk to the board of selectmen, town counsel, assistant town counsel, legislative counsel, registrar of voters or election commissioner, or public school teacher [31:53(b)]

If in doubt as to whether or not a particular position may be placed under civil service by petition, check with town counsel.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

2. Petition Form and Text of question [31:53(b),55]

31:55 specifies that each person who signs the petition must state his name and his address on January first preceding, or his address when registered if after the preceding January first.

The text of the required two part question related only to the last category listed under III. F. 1. c. on page 389 in any town is specified in the General Laws as follows: [31:53(b)]

QUESTION #.

> *(Part 1) Shall the town vote to accept the applicability of the civil service law and rules to the office of [title]?*
>
> > *(Part 2) If it is voted to accept the applicability of the civil service law and rules to the office of [title], shall the town vote to provide for the continuance in said office of [name of incumbent], the present incumbent thereof, after passing a qualifying examination?*

If acceptance of the civil service laws and rules is sought for more than one office, there must be a separately numbered two part question for each office. A separate petition must be prepared for each office, but the petition form for a given office may contain both parts of the question.

The text of the question with respect to the other categories, is not specified in the General Laws. It might be similar to the following:

> *Shall the town vote to accept the applicability of the civil service laws and rules to the [office or type of position]?*

However, town counsel should be consulted for the wording of any question if the text is not specified in the General Laws.

3. Certified Signatures Required [31:54]

The number of certified signatures required on a petition related to all categories, except the last one listed under III. F. 1. c. in any town on page 389, is 5 per cent or 1,000 of the registered voters in the town. For example, if the town has 20,000 registered voters or more, 1,000 certified signatures are required. If the town has 10,000 registered voters, 500 (5 per cent) certified signatures are required.

If the petition relates to the office of an incumbent in the last category listed in III. F. 1. c. in any town, the required number of certified signatures is

5 per cent of the total number of registered voters in the town. The alternative of 1,000 certified signatures is not permitted.

4. Submitting Petitions [31:55]

All the petition forms relating to any one office or position must be submitted to the registrars for signature certification not later than 5:00 P.M. on the 7th day preceding the last day to file with the town clerk. However, the separate sheets of a petition do not need to be submitted at the same time.

5. Processing Petitions [31:55]

31:55 specifically requires that the registrars must ascertain by what number of registered voters the petition has been signed and shall make and certify a statement of their determination within 5 days after submission. The registrars' certificate must include the number of certified signatures and a statement of whether or not the petition has been signed by the required number of registered voters. The certificate must be attached to the petition. (see sample report for a charter petition on page 381 for certificate form)

6. Filing Petition [31:54,55]

The petition must be filed with the town clerk not later than 5:00 P.M. on the 31st day before the annual town election at which the question is to appear. [31:54]

When filed, all sheets of a petition relating to a given office or position must be fastened together and filed as one instrument. The registrars' certificate must be attached. [31:55]

The petition must contain the endorsement of three persons designated as filing it. [31:55] It is suggested that the filers' addresses and telephone numbers also be included on the petition. The General Laws do not specify how the three filers are to be designated or that they must be persons who signed the petition or registered voters of the town. Also, they are not required to sign the endorsement in the presence of the town clerk or a registrar.

The endorsement may be in the following form:

SAMPLE ENDORSEMENT

Date of filing____________________

We, the undersigned, are designated to file the attached petition requesting that the question of placing the office/position of [title] under civil service appear on the ballot for the annual town election.

____
(Signature) (address) (tel. no.)

____
(Signature) (address) (tel. no.)

____
(Signature) (address) (tel. no.)

The sheets of the petition may be stapled together and the signed endorsement attached at the time the petition is submitted to the registrars. If so, the persons designated to file the petition would not need to appear at the office again and the petition may be automatically filed after certification.

7. Placing Question on Ballot [31:53,54,55]

If a valid petition is filed, the town clerk must place the question on the ballot for the annual town election to be held more than 30 days after the filing [31:54], if the office or position is not already under civil service. [31:55]

If the question relates to an office and incumbent under 31:53(b), part 1 and part 2 must be placed on the ballot in such a manner that the voters can vote separately on each part. If petitions have been filed for more than one office, the questions must be numbered separately and placed on the ballot in alphabetical order by surname of the incumbent. For example, the question related to Albert Allen would appear as Question 1, Part 1, Part 2, followed by the question related to John Jones as Question 2, Part 1, Part 2. [31:53]

8. Effective Date

The date on which the office or position is placed under civil service following an affirmative vote on the question is not specified in the General Laws.

However, under 31:53(b), if the office of an incumbent is placed under civil service by an affirmative vote on Part 1 of the question, and a favorable vote is also cast on Part 2, the incumbent must take a qualifying examination. If he passes, he shall be deemed to be permanently appointed and to be tenured without being required to serve any probationary period. If, however, the incumbent does not pass the exam or if Part 2 of the question is not passed, the incumbent stays in office for the remainder of the term, if any, to which he was appointed, but the civil service laws and rules shall not be applicable to him.

9. Objections [31:55; 55B:7]

Written objections to the validity or sufficiency of any filed petition may be filed with the town clerk not later than 48 hours after the last day prior to said election when such petition may be filed. [31:55] An objection must be filed not later than 5:00 P.M. on the 29th day before the election at which the question is to appear.

31:55 specifies that notice must be sent to the persons designated as filing the petition and to each officer affected. The registrars shall make their decision within 4 days after the expiration of time for filing the objection and must immediately give notice of the decision to the town clerk.

Objections shall be considered by the board of registrars under the provision of 55B:7. The registrars shall have and exercise all powers given to it by any provision of law relative to objections to nominations. [31:55] (see III. A. 15. OBJECTIONS on page 374)

NOTE: The provision for making a decision not later than 14 days after the deadline for filing objections added to 55B:7 by 1988:298 does not apply since 31:55 specifies 4 days.

G. GROUP INSURANCE [32B:10]

Chapter 32B of the General Laws, Group Insurance, except sections 8A, 9A, 11A, and 11B of that chapter, may be accepted by a town by the submission of a ballot question to the registered voters of the town.

32B:10 is somewhat different from other sections of the General Laws providing for town election ballot questions in that the section contains no mention of how the question gets to the ballot, whether by vote of the selectmen or by petition, nor does it make any reference to submitting petitions to the registrars or certifying signatures or a general reference to Chapter 53. In this case, the provisions of 39:10 governing articles to be placed on a town meeting warrant must be used.

The question may be placed on the ballot by vote of the board of selectmen or by petition. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form and Text of Question [32B:10]

The petition form may be the same as outlined under III. A. 1. Petition Form and 2. Contents on pages 366 and 367 or similar to that usually used for an article to be placed on an annual or a special town meeting warrant.

The text of the question is specified in 32B:10 as follows:

> *Shall certain provisions of chapter 32B of the General Laws, authorizing any county, city, town or district to provide a plan of contributory group life insurance, group accidental death and dismemberment insurance, and group general or blanket hospital, surgical and medical insurance for certain persons in the service of such county, city, town or district and their dependents, be accepted by this town?*

2. Certified Signatures Required [39:10]

If the question is to be placed on the annual town election ballot, the number of certified signatures required on a petition is 10. If the question is to be placed on a special election ballot, 100 signatures, or 10 per cent of the number of registered voters, whichever is less, are required on the petition.

3. Submitting Signatures [39:10]

The selectmen are required to submit the petition to the registrars for certification of the signatures.

In some towns, the petition is first submitted to the selectmen's office which then transmits it to the registrars. In other towns, the selectmen request that signatures be certified before the petition is filed in their office or they request that the registrars or town clerk retain the petition after certification and simply notify them of the number of certified signatures contained in the petition.

See III. A. 11. petition filed with selectmen on page 372.

4. Processing Petitions

The registrars should process the petition the same as outlined under III. A. 8. Processing Petitions on page 371. However, 39:10 requires that the registrars check and certify the number of valid signatures and specifies that a greater number of names than are required need not be certified.

There is no deadline by which petitions must be certified, but the process must be completed in time to permit the question to be printed on the ballot.

5. Placing Question on Ballot

The selectmen should send a formal notice to the town clerk containing the text of the question, the fact that a valid petition has been filed and request that the question be placed on the ballot for the annual town election or a special town election, if one is being held.

6. Effective Date

If the question is passed by a majority, Chapter 32B, except sections 8A, 9A, 11A and 11B, shall take effect immediately.

7. Other Sections of Chapter 32B

Many other sections of Chapter 32B provide for questions related to expanding group insurance coverage to be placed on the ballot. The procedures are the same as outlined above for 32B:10. The text of the question to be used is specified under each section. However, some sections, such as 32B:7A for example, may not be accepted unless the town has already accepted 32B:10.

NOTE: 32B:7A may be accepted by a vote under a town meeting warrant article or under a town election ballot question. The selectmen may determine which method is to be used.

See ELECTION RESOURCE HANDBOOK, *A Guide to Ballot Questions* for a list of the various sections of Chapter 32B and the subject covered under each.

H. BEANO [10:38; 1971:486,4; 1974:244,2,3; 1975:779; 43:38]

In 1971, under Chapter 486 of the acts of that year, provision was made permitting a town to issue licenses for beano. This act was subsequently amended in 1974 and 1975.

The 1971 act required that the town place the question related to beano on the official ballot to be used at the next regular town election. If a majority of the votes cast on the question were in the affirmative, the town authorized the operation, holding or conducting of beano for the period ending December 31, 1975. The beano question had to be placed on the ballot again in 1975.

In towns which have approved the beano question, the state lottery commission may grant licenses to conduct beano to certain fraternal, charitable, religious, veterans' and other non-profit or voluntary organizations specified in 10:38. The application for a license must be approved by the board of selectmen, and the organization must have been in existence for at least 5 years immediately prior to the date of making the application. [10:38]

Beginning in the year 1979, the beano question may be placed on the annual town election ballot only by petition, but may not appear more often than once in four years. The petition procedures are specified in 1974:486,4, as amended, which requires that the petition must conform to the provisions of 43:38 relative to initiative petitions in cities.

The procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form and Text of Question [43:38; 1974:486,4]

   43:38 requires that the voter's signature and his place of residence, giving the street and number, if any, must appear on the petition.

   The text of the question is specified in the 1971:486,4 as follows:

   > *Shall licenses be granted in this town for the operation, holding or conducting of a game commonly called beano?*

2. Certified Signatures Required [1974:486,4]

   The number of certified signatures required on the petition is at least 5 per cent of the whole number of registered voters in the town.

3. Filing Petition [43:38]

   All sheets of the petition must be attached together and filed with the town clerk as one instrument. The petition must contain the endorsement of the names and addresses of three persons designated as filing it. (see III. F. TOWN POSITIONS PLACED UNDER CIVIL SERVICE, 6. Filing Petition on page 391)

   There is no deadline specified in the act or in 43:38 for filing the petition. It must be filed in time to permit the registrars to process it and for the question to be printed on the ballot. To be certain that the question will appear on the ballot for the next election, the petitioners should file no later than the 33rd day prior to the election. This would permit the registrars the full statutory period within which to act before the deadline for filing town election nomination papers. (see 5. Processing Petitions below)

4. Submitting Petition [43:38]

   43:38 requires that the petition be submitted to the registrars for signature certification. In this case, the town clerk would submit the petition and should do so as soon as possible after receipt.

5. Processing Petitions [43:38]

The registrars must ascertain by what number of registered voters the petition has been signed and what percentage that number is of the total number of registered voters. These numbers must be included in a certificate which must be attached to the petition.

The registrars must complete the certificate within 5 days after the petition is filed with the town clerk.

6. Transmitting Registrars' Certificate [43:38]

Immediately after the registrars complete their certificate, the town clerk must forward it to the selectmen and forward a copy of it to one or more of the persons designated on the petition as filers.

It is recommended that a copy of the certificate be kept on file in the town clerk's office, or that the original be kept and a certified copy forwarded to the selectmen. Note that the petition or a copy of the petition does not need to be forwarded to the selectmen.

NOTE: 43:38 governs petitions in a city and requires that the certificate be transmitted to the city council or school committee. In applying the provisions of 43:38 to a town, the selectmen should be substituted for the city council. However, if the town has a town council form of government, substitute town council for city council.

7. Placing Question on Ballot

If a valid petition has been filed, the town clerk must place the beano question on the ballot for the next annual town election.

8. Effect of Passage [10:38]

If the question is passed, the state lottery commission may grant a license to conduct the game of beano in the town upon an application which has been approved by the selectmen. Licenses may be issued until such time as the question appears again on the ballot and is not passed.

9. Objections [43:38; 1988:296]

When the registrars' certificate has been transmitted to the selectmen and to the person(s) designated as filing the petition, the petition shall be deemed to be valid unless a written objection is made by a registered voter of the town.

The objection must be filed with the selectmen within 48 hours after they received the certificate. A copy of the objection must also be filed with the board of registrars.

The provisions of 55B:7 apply to the objection. In addition, the board of registrars must transmit a copy of its decision to the board of selectmen. [1988:296]

NOTE: The provision of 55B:7 that the objection must be filed within 2 working days after the certificate is filed does not apply to beano positions since 43:38 specifies the deadline for filing objections to such petitions.

I. TENURE FOR TOWN CLERK [41:19B,19C,19D]

See INTRODUCTION, 5. Tenure in Volume 2 of this series.

J. BOARD OF SELECTMEN [41:21,23]

41:21 provides that the Selectmen may act as or perform the duties of one or more of the following town boards or officers:

- water and sewer board
- water commissioners
- water and municipal light commissioners
- municipal light board
- sewer commissioners
- park commissioners
- board of public works
- board of health
- assessors
- commission of public safety

41:21 also provides that the selectmen may appoint one or more of the following:

- cemetery commissioners
- assessors
- superintendent of streets
- a chief of the police or fire departments
- board of health

The selectmen may be authorized to act as and perform the duties of or to appoint the boards or offices listed above by a vote under a warrant article at a town meeting called for the purpose at least 60 days before an annual town meeting.

The selectmen may also be authorized as above by a vote under a question placed on an annual town election ballot by petition. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the questions is specified in 41:21 as follows:

Shall the town vote to have its selectmen act as [title of office]?

Shall the town vote to have its selectmen appoint [title of office]?

2. Certified Signatures Required

The number of certified signatures required on the petition is 10 per cent of the registered voters of the town.

3. Submitting Petition

41:21 does not specifically require that the petition be submitted to the registrars. (see III. A. 5. Submitting Petitions on page 369)

4. Filing Petition

41:21 specifies that the petition must be filed with the selectmen, not the town clerk. (see III. A. 11. Petition to be Filed with Selectmen on page 372)

The deadline for filing is at least 60 days before the annual town election.

5. Placing Question on Ballot

If a valid petition has been filed, the town clerk must place the question on the ballot for the annual town election held on or after the 60th day after the petition was filed. If the petition is not filed in time, the question does not go on the ballot until the following annual election.

6. Effect of Passage

If the first question under III. J. 1. Text of Question on page 397 is passed and the selectmen have a one year term, the term must be changed to a staggered three year term at the next annual election. Following that election, upon qualification of the selectmen by taking the oath of office, the existing office or board subject to the ballot question, terminates and all of its duties, powers and obligations are transferred to and imposed upon the board of selectmen.

If the second questions under III. J. 1. Text of Question on page 397 is passed, the existing elected office or board terminates when the person(s) who is to fulfill the duties is appointed by the selectmen and he takes the oath of office.

The action taken under the ballot question may be rescinded by vote under a warrant article at a town meeting held at least 30 days before the annual town meeting. Vote to rescind may not be taken until after the vote under question has been in effect for a period of not less than 3 years. [41:23]

K. ESTABLISHING A BOARD OF PUBLIC WORKS [41:69C,69D,69F]

A town may vote to accept 41:69C - 69F, inclusive, establishing a board of public works in the town, by vote under a warrant article at a town meeting called for the purpose at least 90 days before the annual town meeting. If the vote under such a warrant article is not in the affirmative, a question of the acceptance of 41:69C-69F may be placed on the annual town election ballot by petition.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is specified in 41:69C as follows:

> *Shall sections sixty-nine C to sixty-nine F, inclusive, of chapter forty-one of the General Laws, providing for the establishment of a board of public works exercising the powers of certain other departments and town officers be accepted?*

2. Certified Signatures Required

The number of certified signatures required on the petition is 10 percent of the qualified voters of the town.

3. Submitting Petition

41:69C does not specifically require that the petition be submitted to the registrars. (see III. A. 5. Submitting Petitions on page 369)

4. Filing Petition

41:69C specifies that the petition must be filed with the selectmen, not the town clerk. (see III. A. 5. Petition Filed with Selectmen on page 369)

The deadline for filing is at least 60 days before the annual town election.

5. Placing Question on Ballot

If a valid petition has been filed, the town clerk must place the question on the ballot for the annual town election held on or after the 60th day after the petition was filed. If the petition is not filed in time, the question does not go on the ballot until the following annual election.

6. Effect of Passage

If the question is passed, section 69C through 69F become fully effective beginning with, and for the purpose of, the next annual town election. For example, if the town had an elected highway surveyor or board of road commissioners, those offices would not appear on the next annual town election ballot. Or, if the town had an appointed superintendent of streets, etc., that office would terminate at the next annual town election.

The office of board of public works would appear on the ballot at the next town election with three members to be elected, one for a one year term, one for two years and one for three years. Thereafter, the term of each member must be three years. [41:69D]

7. Revoking Acceptance of 41:69C-69F [41:69F]

After three years from the date of acceptance of 41:69C-69F, the town may vote to revoke such acceptance. A petition is required and the procedures are the same as outlined above under III. D. 1. through 5., except that the text of the ballot question is specified in 41:69F as follows:

> *Shall the acceptance by the town of sections sixty-nine C to sixty-nine F, inclusive, of chapter forty-one of the General Laws providing for the establishment of a board of public works exercising the powers of certain other departments and town officers be revoked?*

If the question passes, the town shall elect, at the next annual town election held after the vote to revoke, such officers as are necessary to exercise and perform the powers, rights and duties transferred to the board of public works by the prior acceptance of 41:69C-69F.

If the question does not pass, a subsequent question to revoke acceptance of 41:69C-69F, may not appear on the ballot more often than once in three years.

L. OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION [Chapter 43C; 1987:756]

Chapter 43C providing for the adoption of optional forms of municipal administration was incorporated into the General Laws by 1987:756. Chapter 43C permits the adoption of the following consolidated departments: municipal finance [43C:11], community development [43C:12], or municipal inspection. [43C:13]

The question of adopting the optional forms of administration may be placed on the annual town election ballot by vote of the board of selectmen [43C:7] or by petition. [43C:4]

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form [43C:4,5,11,12,13]

The petition forms must be furnished by the town clerk to any registered voter of the town who requests them. [43C:4]

The petition may consist of a number of separate sheets [43C:4], but each sheet form must contain substantially the following text: [43C:5]

To the board of selectmen of the town of [name]:

We the undersigned, registered voters of the town of [name] respectfully petition your honorable body to cause to be submitted to a vote of the voters the following question: "Shall the town of [name] adopt the optional form of municipal administration summarized below according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?"

NOTE: 43C:5 contains the words *defined as (insert summary from applicable section for which petition is presented)* after *optional form of municipal administration* in the text to be included in the question. However, using the exact wording of the question and inserting the summary as instructed produces awkward and confusing text. It is suggested that the text in 43C:5 be adjusted to read as above and the summary required by 43C:11, 12, or 13 be included as a separate paragraph under the question.

The summary to be included in the petition is also specified in the General Laws for each type of option as follows:

- consolidated department of municipal finance [43C:11]

Section eleven of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors.

- consolidated department of community development [43C:12]

  Section twelve of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of community development which may include the redevelopment authority, the planning board, the industrial development commission, industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities.

- consolidated department of municipal inspections [43C:13]

  Section thirteen of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of municipal inspections which may include the inspections currently being made by the building inspector, wire inspector, plumbing inspector, gas fitting inspector, health agent and others as the ordinance or by-law may specify.

2. Certified Signatures Required [43C:4]

The petition must be signed by at least 10 per cent of the number of registered voters residing in the town at the preceding state election. To calculate the number of signatures required, determine the number of voters as of the close of registration before the last state election and multiply by 0.10.

3. Filing Petition [43C:4]

The petition must be filed with the board of registrars. Note that 43C:4 uses the term *filing with* the registrars while Chapter 53 generally uses the term *submitting to* the registrars. However, the purpose is the same, regardless of the term used; that the registrars must certify the signatures.

No deadline for filing is specified. However, to be certain that the question will appear on the ballot at the next annual town election, the petitioners should complete filing with the registrars at least 120 days before the election. This timing will permit each board involved the full statutory period within which to act. If the petition is filed later and the boards take less than the statutory period to act, the question could appear on the next election ballot, provided the selectmen's order is adopted by the 60th day before that election and provided, if the selectmen fail to adopt an order, they received the registrars' certification by the 90th day before the election. (see III. L. 7. Order for Ballot Question on page 402)

The petitioners need not file all sheets of the petition at the same time.

4. Processing Petitions [43C:4]

The registrars need not certify more than 140 per cent of the number of names required to file a valid petition. For example, if 500 signatures are required, processing may be discontinued when 700 signatures have been certified or when all signatures have been processed if less than 700 can be certified.

The processing of all sheets in the petition and the certification of signatures must be completed and signed within 30 days from the day the petition was filed.

5. Registrars to Report Results 43C:4]

The registrars must report the results of the certification to the board of selectmen by filing their report with the town clerk. The deadline for filing the report is the same as the deadline for certification.

The report should consist of a certificate signed by a majority of the registrars showing the total number of signatures certified on the petition and a statement as to whether or not this number is sufficient. The text of the report may be similar to that shown in the sample report on page 381 related to town charter petitions.

Upon receipt of the registrars' report, it should be time stamped or the date and time of receipt noted on it. It may be attached to the petition sheets.

6. Notifying Selectmen

While not specifically required by Chapter 43C, the town clerk should notify the board of selectmen as soon as possible after the registrars' report is filed. The notice may consist of a certified copy of the report.

7. Order for Ballot Question [43C:6]

Within 30 days of receipt of the registrars' certification that the petition contains a sufficient number of valid signatures, the board of selectmen shall by order provide for submission of the question to the voters at the first annual town election held on or after the 60th day following the adoption of the order.

Even though not specifically required by law, a certified copy of the selectmen's vote to order the question to appear on the ballot should be transmitted to the town clerk since he is responsible for preparing and printing the town election ballot.

If, however, the selectmen do not make an order within the 30 days, the question shall be submitted to the voters at the first annual town election held on or after the 90th day after receipt by the selectmen of the registrars' certification. In this case, the town clerk would place the question on the ballot without the selectmen's order.

The text of the question and the summary to be placed on the ballot are the same as required on the petition. (see III. L. 1. Petition Form on page 400)

8. Effect of Passage [43C:8,11,12,13]

If the question is passed, the legislative body, the town meeting or town council, subject to all applicable provisions of the town charter, has the authority to adopt a bylaw providing for the consolidated department. 43C:11, 12, and 13 specify some of the provisions which must appear in the bylaw.

If two or more optional plans of municipal administration are passed at the same election containing conflicting provisions, the one receiving the greatest number of votes shall take effect. [43C:8]

NOTE: 43C:10 provides for transferring to the new department or agency, persons holding an office or position and employees of an office or agency which is merged, abolished or otherwise constituted. It also provides for the transferring of books, papers, documents, equipment, building facilities, land, other property and appropriated funds to the new department or agency.

9. Objections [43C:4]

Objections to the sufficiency and validity of the signatures on petitions as certified by the registrars shall be made in the same manner as provided by law for objections to nominations for town offices. (see III. A. 15. Objections on page 374)

10. Revoking Adoption of Optional Form of Municipal Administration [43C:9]

At any time after four years following the date of the election at which the form of municipal administration was adopted, a question to revoke or rescind such acceptance may be submitted to the voters either by vote of the board of selectmen or by petition. The petition procedures are the same as outlined above for adoption.

The question to be placed on the ballot is specified in 43C:9 as follows:

> *Shall the town of [name] revoke its adoption of the optional form of municipal administration?*

NOTE: At the present time, there is no provision in 43C:9 for a summary to appear on the petition or on the ballot. Since the question to revoke the optional form of municipal administration may not be placed on the ballot until 4 years after its adoption, it is likely that many voters will not know what optional form of administration is referred to in the question. By the time a petition to revoke may be filed, probably 1992 at the earliest, corrective legislation may be passed to require a summary.

11. Other Provisions for Municipal Administration [43C:9]

Any town which has adopted any of the optional plans of municipal administration provided for in Chapter 43C may make some other provision for municipal administration under procedures made available in Chapter 43B, The Home Rule Procedures Act. (see III. C. TOWN CHARTER PETITIONS on page 377)

> In that case, if any provisions are inconsistent with Chapter 43C, the provisions of the charter or charter amendment adopted under Chapter 43B shall prevail and shall supercede the provisions of Chapter 43C.

M. JOINING A REGIONAL POLICE DISTRICT [41:99D,99K]

1. Acceptance of General Law [41:99D]

41:99D provides for questions related to establishing a regional police force to be placed on an annual town election ballot. In this case, the petition must be signed only by the board of selectmen. No other voters' signatures are required. The selectmen must file the petition with the town clerk not later than the 31st day prior to the election at which the question is to appear.

The question to be placed on the ballot by the town clerk consists of three parts, each part to be voted on separately, and is specified in 41:99D as follows:

A. *Shall the town accept the provisions of sections ninety-nine B to ninety-nine K, inclusive, of chapter forty-one of the General Laws, providing for the establishment of a regional police district together with the town (towns) of [name of each town to be included in district]?*

B. *Shall the police department provided for in question A be under the control and supervision of the regional police district commission and otherwise be governed by section ninety-seven of chapter forty-one of the General Laws governing local police departments?*

C. *Shall the police department provided for in question A be under the sole control and supervision of the chief of police appointed by the regional police district commission and otherwise be governed by sections ninety-seven A of chapter forty-one of the General Laws governing local police departments?*

If a majority of the voters in each town voting on question A is in the affirmative, the proposed regional police district shall be deemed to be established.

If a majority of the votes cast on both question B and question C is in the affirmative, then the question receiving the largest number of affirmative votes determines which section of Chapter 41 governs the police department.

2. Revoking Acceptance [41:99K]

Acceptance of 41:99B-99K may be revoked upon the filing with the town clerk of a petition signed by the board of selectmen, or signed by 5 per cent of the total number of registered voters in the town. The petition must be filed not later than the 31st day before the election at which the question is to appear.

The text of the question is specified in 41:99K as follows:

Shall the acceptance by the town of the provisions of sections ninety-nine B to ninety-nine K, inclusive, of chapter forty-one of the General Laws which provided *for the establishment of a regional police district, together with the town (towns) of [name of each town in the district], be revoked?*

If the question is passed, the acceptance is revoked and the law becomes null and void in the town beginning one year after the vote. If the town had accepted the provisions of the civil service law, Chapter 31 of the General Laws, while a member of the district, the provisions of Chapter 31 remain in effect in the town and any person transferred to the town from the district shall be transferred without impairment of civil service status, seniority, retirement and other rights and without reductions in compensation and salary grade. The town remains liable for its share of any obligation of the district incurred while the town was a member.

NOTE: In towns not using official ballots, acceptance of 41:99D-99K or its revocation is by vote at an annual town meeting.

N. SNOW REMOVAL ON PRIVATE WAYS [40:6C,6D]

A town which accepts section 40:6C may appropriate money for the removal of snow and ice from private ways which are within its limits and open to public use. The procedures for accepting 40:6C are specified in 40:6D.

40:6C may be accepted only under a question placed on an annual town election ballot by petition. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the ballot question is specified in 40:6D as follows:

> *Shall the town vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?*

2. Certified Signatures Required

The number of certified signatures required on the petition is 200 or 20 per cent of the number of registered voters of the town.

40:6D does not mention any requirements for submitting petition to the registrars or for filing the petition with the selectmen or with the town clerk. The procedures would be the same as required under 39:10. (see III. G. GROUP INSURANCE, 3., and 5. on pages 393 and 394)

If the question passes, it takes effect immediately in the town.

O. PUBLIC PLAYGROUNDS [45:15,16]

Every town having a population of more than 5,000 which accepts 45:15, or has accepted corresponding provisions of earlier laws, shall provide and maintain at least one public playground conveniently located and of suitable size and equipment, for the recreation and physical education of the minors of such town, and at least one other playground for every additional 20,000 of its population. [45:15]

If a town with a population of more than 5,000 has not already satisfied the provisions of 41:15, upon petition to the selectmen, a question to accept that section shall be submitted to the town at the next annual town meeting or shall be placed on the official ballot, if any, at the annual town election. [41:16] In this case, the question could appear either as a warrant article to be voted on at the annual town meeting or on the official town election ballot.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is specified in 45:16 as follows:

> *Shall section fifteen of chapter forty-five of the General Laws, requiring certain towns to provide public playgrounds, be accepted by this town?*

2. Certified Signatures Required

The number of certified signatures required on the petition is at least 10 per cent of the voters of the town.

3. Filing the Petition

The petition is to be filed with the selectmen, not the town clerk. (see III. A. 11. Petition Filed with Selectmen on page 372)

The deadline for filing the petition specified in 45:16 is 15 days before the day of annual election of town officers. However, as a practical matter, the petition should be filed earlier. The official ballot and, in many towns, the town meeting warrant have already been printed by 15 days before the election and meeting.

Or, the selectmen might set an earlier deadline for filing petitions under 54:103P and, in that case, the petition must be submitted to the registrars 14 days prior to the last day for filing. (see III. A. 10. c. changing deadline for filing on page 372)

4. Effective Date

45:15 takes effect in any town upon its acceptance by a majority of the voters voting on the question.

P. TWO PLATOON SYSTEM FOR FIRE DEPARTMENT [48:59]

In towns which accept 48:59, the permanent members of the fire fighting force shall be divided by the officers in charge of the force into two bodies or platoons which shall be designated as a day force and a night force, and shall alternate on tours of duty every third day.

48:59 must be accepted by a vote on a question placed on an annual town election ballot by petition. The petition procedures different from or in addition to those outlined under III. A. GENERAL on pages 366 are as follows:

1. Text of Question

The text of the question is specified in 48:59 as follows:

> *Shall section fifty-nine of chapter forty-eight of the General Laws, providing for the division into day and night forces of permanent members of fire department, known as the two platoon system, be accepted?*

2. Certified Signatures Required

The number of certified signatures required on the petition is 10 per cent of the registered voters.

3. Submitting Petition

The signatures on the petition are specifically required by 48:59 to be certified by the board of registrars. The provisions of 53:7 apply. (see III. A. 5. Submitting Petitions on page 369)

4. Filing Petition

The petition must be filed with the town clerk not less than 60 days before the annual town election at which the question is to appear.

5. Placing Question on Ballot

If a valid petition has been filed, the town clerk must place the question as specified in 48:59 on the annual town election ballot. If the petition is filed on or after the 59th day prior to the next annual election, the question will not appear on the ballot until the following annual election.

6. Effective Date

48:59 takes effect 90 days after the election at which the question was passed.

Q. ALCOHOLIC BEVERAGE QUESTION [43:38; 138:11A]

138:11A provides for a question relative to the sale of alcoholic beverages in taverns to be placed on a regular or special town election ballot by petition and requires that the petition must conform to the provisions of 43:38 relative to initiative petitions in cities. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question [138:11A]

The text of the question is specified in 138:11A as follows:

> *Shall licenses be granted in this town for the sale therein of alcoholic beverages in taverns?*

2. Certified Signatures Required [138:11A]

The number of certified signatures required on the petition is at least one per cent of the whole number of registered voters in the town.

3. Filing Petition [43:38; 138:11A]

All sheets of the petition must be attached together and filed with the town clerk as one instrument. The petition must contain the endorsement of the names and addresses of three persons designated as filing it. [43:38] (see III. H. Beano, 3. Filing Petition on page 395)

If an annual town election is about to be held, the petition must be filed at least 30 days before that election in order for the question to appear on the ballot for that election. Otherwise, the selectmen must call a special election to be held within a period of 60 days from the filing. [138:11A]

4. Submitting Petition [43:38]

See III. H. BEANO, 4. submitting petition to registrars on page 395.

5. Processing Petitions [43:38]

See III. H. BEANO, 5 Processing Petitions on page 396.

6. Transmiting Registrars' Certificate

See III. H. BEANO, 6. transmitting registrars' certificate on page 396.

7. Placing Question on Ballot [138:11A]

Depending upon when the petition is filed, the selectmen shall submit the question to the voters at an annual town election or at a special election. (see III. Q. 8. Filing Petition on page 408)

The town clerk is responsible for having the question printed on the ballot. (see III. A. 14. Placing Question on Ballot on page 374)

Under 138:11A, the question may not be submitted to the voters in any town more often that once in two years.

8. Effect of Passage [138:11A]

If the question passes, the town shall have authorized the sale in taverns of such alcoholic beverages as are lawfully authorized to be sold in the town until the next succeeding vote on the question. For example, if the sale of all alcoholic beverages has been authorized under Part A. in 138:11, such beverages may be also sold in taverns following the affirmative vote on the question under 138:11A. (see II. F. Petitions for Alcoholic Beverages Questions on page 356)

9. Objections

See III. H. BEANO, 9. Objections on page 394.

R. HORSE AND DOG RACING TRACKS [128A:13A]

No license shall be granted by the state racing commission in any town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the selectmen.

If the race track location approved by the selectmen is protested by the voters of a town, they may file a petition. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is not specified in 128A:13A. The following text is suggested:

> *Shall the town approve the selectmen's vote of [date] for the location of a race track at [location]?*

However, town counsel should be consulted with respect to the question text.

2. Certified Signatures Required

The number of certified signatures required on the petition is 12 per cent of the voters of the town.

3. Filing Petition

The petition must be filed with the town clerk. 128A:13A does not specify any period from the selectmen's approval within which the petition must be filed. The town clerk should notify the selectmen as soon as possible after a petition has been received.

4. Submitting Petition

128A:13A does not specify that the signatures must be submitted to registrars. However, in order to be certain that the petition contains sufficient signatures, the town clerk should submit the petition as soon as possible after receipt. (see III. A. 5. Submitting Petitions on page 369)

The town clerk should also notify the selectmen as soon as possible after the petition has been processed to inform them whether or not it contains a sufficient number of certified signatures.

5. Effect of Filing

If a valid petition is properly filed, the selectmen's approval of the race track location is suspended from taking effect.

6. Selectmen Reconsider

Upon the filing of a valid petition, the selectmen must immediately reconsider their approval of the race track location. If approval is not rescinded, the selectmen must call a special town election to be held within 45 days of the filing of the petition.

7. Placing Question on Ballot

The town clerk must place the question of approval of the race track location on the ballot for the special town election.

8. Effect of Passage

Unless a majority of the votes cast on the question are in the affirmative, the selectmen's approval of a race track location becomes null and void immediately after the election and a license for a racing meeting cannot be granted for that location.

NOTE: A certified copy of the results of the vote must be sent by the town clerk to the State Racing Commission, One Ashburton Place, 13th Floor, Boston, 02108. (see 128A:14D and AFTER ELECTION DAY, VI. ELECTION RETURNS TO BE TRANSMITTED in Volume 4 of this series)

S. BOXING MATCHES [54:58A; 147:49,50]

147:32-47, providing for licensed boxing matches in a town, may be accepted only upon a petition by the voters of the town. [147:49] The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

Since 147:32-47 are required to be accepted by the town and the text of the question is not specified, the question must be in the form specified in 54:58A as follows:

> *Shall this town accept the provisions of sections thirty-two to forty-seven, inclusive, of chapter one hundred forty seven of the General Laws, a fair and concise summary of which appears below?*

54:58A requires that the summary be prepared by town counsel and that it appear below the question on the ballot. It should also appear on the petition so that the signers will know at the time they sign what the general law sections provide.

2. Certified Signatures Required

The number of certified signatures required on the petition is 10 per cent of the number of registered voters of the town.

3. Filing Petition

The petition must be filed with the town clerk not less than 30 days before the election at which the ballot question is to appear.

4. Submitting Petition

147:49 does not require the petition to be submitted to the registrars nor does it refer to Chapter 53. The town clerk should submit the petition for signature certification as soon as possible after receipt. (see III. A. 5. Submitting Petitions on page 369)

5. Placing Question on Ballot

If a valid petition is filed by the 30th day before the annual town election, the town clerk must place the question on the ballot for that election.

However, if the petition includes a request that the question be voted on at a special town election, the selectmen must call such an election and the question must be placed on the ballot for that election.

6. Effective Date

The sections take effect upon acceptance by the voters.

7. Revoking Acceptance [147:50]

The question of revoking acceptance of 147:32-47 may be placed on the ballot at any municipal election by petition. The procedures are the same as outlined above for acceptance of the sections.

The question to appear on the ballot would be the same as shown under III. S 1. Text of Question on page 410. If a majority of the voters vote against the question, the general law sections shall cease to have effect in the town unless accepted again by the voters under another ballot question.

147:49 and 147:50 specify no limitation on the number of times the question may appear, nor the frequency with which it may appear.

T. HOLDING PRIMARIES IN TOWNS [53:56]

The provisions of law for nominating candidates for town office by primaries may be adopted only upon a petition by the voters of the town to place a question on the official ballot. If a town has already adopted the provisions of law for nominating by primaries, the question of continuing primaries may be placed on the ballot by petition.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

If the town does not hold primaries for the nomination of town officers, the text of the question is specified in 53:56 as follows:

> *Shall primaries for the nomination of candidates to be voted for at town elections be held in this town?*

If the town already holds primaries, the text of the question is specified in 53:56 as follows:

> *Shall primaries for the nomination of candidates to be voted for at town elections continue to be held in this town?*

2. Certified Signatures Required

The number of certified signatures required on the petition is 5 per cent of the number of voters registered in the town at the time of the preceding annual town election. To calculate the number of signatures required, determine the number of registered voters as of the close of registration for the preceding annual town election and multiply by 0.05.

3. Submitting Petition

53:56 specifies that the provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon and submission to the registrars, shall apply.

The deadline for submitting the petition to the registrars is the 28th day and the deadline for the registrars to certify signatures is the 7th day prior to the last day for filing the petition with the town clerk. (see 53:7, second paragraph)

4. Filing Petition

The petition must be filed with the town clerk on or before the last day for filing town election nomination papers.

5. Placing Question on Ballot

If a valid petition is filed, the town clerk must place the question on the ballot for the next annual town election.

6. Effective Date

If a majority of votes cast on the question is in the affirmative, primaries shall be held in the town thereafter.

If a majority of votes cast on the question is in the negative, primaries shall not be held in the town thereafter.

NOTE: The town clerk must immediately after the election, notify the state secretary of the results of the vote on the ballot question. The notice must be sent to the Elections Division, One Ashburton Place, Room 1705, Boston 02108.

U. REFERENDUM ON TOWN MEETING VOTE [43A:10] (REPRESENTATIVE TOWN METTING TOWNS ONLY)

NOTE: 43A:10 governs towns which have accepted Chapter 43A, the Standard Form of Representative Town Meeting Government. If your town established the representative town meeting form of government under a special act, the provisions of that act should be consulted for referendum petition procedures.

43A:10 provides for a referendum petition in an RTM town on the following types of town meeting votes: [43A:10]

- authorizing the expenditure of $20,000 or more as a special appropriation
- establishing a new board or office, abolishing an old board or office, or merging two or more boards or offices
- fixing a term of office, where such term is optional
- increasing or reducing the number of members of a board
- adopting a new bylaw or amending an existing bylaw

The town meeting vote on the above items does not take effect until the expiration of 7 days, exclusive of Sundays and holidays, from the dissolution of the meeting.

The procedures for a referendum petition on these votes different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form and Text of Question

43A:10 specifies that the voters must sign their names and addresses *as they appear on the list of registered voters*. However, 53:7 governs signatures on a petition and requires that *substantially as registered* be used as the standard for certification. In addition, Regs. 55.00 apply.

The petition must ask that the question involved in the town meeting vote be submitted to the registered voters of the town at large. If a referendum is requested on more than one town meeting vote, however, a separate petition should be prepared for each vote.

The text of the question is specified in 43A:10 as follows:

> *Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote and by what vote thereon if such vote was tabulated)?*

2. Signatures Required

The number of certified signatures required on the petition is not less than 3 per cent of the registered voters of the town. To calculate the number of required signatures, determine the number of registered voters as of the time the petition is filed and multiply by 0.03.

3. Filing the Petition

The petition must be filed with the selectmen, not the town clerk. (see III. A. 11. Petition Filed with Selectmen on page 372)

The deadline for filing is the 7th day after the town meeting dissolved.

4. Special Election

If a valid petition is filed, the selectmen must call a special election for the sole purpose of voting on the question(s) for which the referendum petition(s) was filed. The special election must be called after the expiration of 5 days from the date the petition was filed. The polls must be opened at 2:00 P.M. and closed not earlier than 8:00 P.M. Absentee ballots must be available. The election is to be conducted in the same manner as the annual town election.

5. Placing Question on Ballot

The town clerk must prepare the ballots to be used at the special town election and print on them only the questions related to valid petitions which were timely filed. If more than one petition has been filed, the order in which the questions are to appear is not specified in 43A:10.

6. How Passed

The question(s) submitted to the voters shall be determined by a majority vote of the registered voters of the town voting thereon. However, no action of a representative town meeting shall be reversed unless at least 20 per cent of the total number of registered voters in the town shall so vote.

V. LEASE OF STREET RAILWAY PROPERTY [161:155]

A lease of street railway property may be terminated by the consent of a majority in interest of all classes of stock in the company entitled to vote, and of a majority of the voters of each city and town comprising the transportation area, voting thereon.

The consent of the town may be given by vote at a town meeting under a warrant article or under a question appearing on the ballot at a town election. In either case, a valid petition is required to be filed.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form and Text or Article

The petition form is not specified in 161:155. The general ballot question petition form shown on page 440, or the petition form for a town meeting article shown on page 444 may be used.

The text of the ballot question or warrant article is not specified in 161:155. Town counsel should be consulted.

2. Certified Signatures Required

The number of certified signatures required on the petition form is 10 per cent of the registered voters of the town. To calculate the number of required signatures, determine the total number of registered voters in the town as of the time of submission and multiply by 0.10.

3. Submitting Petition

161:155 does not specifically require that the petition be submitted to the registrars for certification nor does it refer to Chapter 53. (see III. A. 5. Submitting Petitions on page 369)

4. Filing Petition

The petition must be filed with the town clerk. 161:155 requires that it be filed within 30 days of the election or town meeting. However, it must be filed early enough to have the question printed on the ballot or to have the article printed on the town meeting warrant.

5. Petition for Warrant Article

If the petition requests that an article be placed in the town meeting warrant, the processed petition together with the registrars' certification should be forwarded to the selectmen since they are responsible for preparing the town meeting warrant. A copy of the petition and certification should be retained in the town clerk's office.

6. Petition for Ballot Question

If the petition requests that a question be placed on the ballot, the town clerk would keep the petition and registrars' certification on file in his office since he is responsible for having the question printed on the ballot. However, the selectmen should be notified since they prepare the election warrant and must include the question.

7. How Passed

The ballot question or warrant article requires a majority vote to be passed. However, the question or article must be passed in all the municipalities comprising the transportation area.

8. Effective Date

161:155 does not specify when the vote becomes effective.

W. MBTA SERVICE [161A:15,16]

Towns contiguous to the MBTA area may vote to be added to the area and towns already assessed for MBTA service may vote to discontinue the service in the town under a ballot question. The question may be placed on the ballot by a vote of town meeting or by petition.

NOTE: The question of discontinuing service may not be placed on the ballot in a town which is the terminus of any local service route which is an express service station and other cities and towns are on the route, or if the route extends beyond the town to a city or town further from the terminus. [161A:15]]

The procedures for petitions under 161A:15 and 16 different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Petition Form

Forms for the petition must be made available by the town clerk without cost to the petitioners. Each form is required to have a heading specified in the law depending upon whether the town is or is not already in the service area.

For a town which is not in the area, the heading is as follows: [161A:16]

> *The undersigned registered voters of the town hereby petition for the placement upon the official ballot of the question whether this town shall be added to the Massachusetts Bay Transportation Area.*

For a town which is already being assessed for MBTA service, the heading is as follows: [161A:15]

> *The undersigned registered voters of the town hereby petition for the placement upon the official ballot of the question whether the local mass transportation service in this town shall be discontinued.*

2. Text of Question

The text of the question to be placed on the ballot is specified in the law as follows:

Shall this town be added to the Massachusetts Bay Transportation Authority? [161A:16]

Shall the local mass transportation service in this town be discontinued? [161A:15]

The text of the question does not need to appear on the petition form since the required heading clearly indicates the substance of the petition. (see 1. Petition Form above)

3. Certified Signatures Required [161A:15,16]

The number of certified signatures required on either kind of petition is 5 per cent of the registered voters of the town. To calculate the required number of signatures, determine the total number of registered voters in the town as of the time of submission and multiply by 0.05.

4. Submitting Petition

Both 161A:15 and 16 require that the signatures be certified by the registrars of voters of the town. Therefore, 53:7 applies and the petitions must be submitted to the registrars for certification not later than 14 days prior to the last day for filing with the town clerk. (see III. A. 5. Submitting Petitions on page 369)

5. Filing Petitions

A petition for adding the town to the MBTA must be filed with the town clerk at least 90 days before the date of the election at which the question is to appear. [161A:16] A petition for discontinuing service must be filed with the town clerk at least 60 days before the date of the election at which the question is to appear. [161A:15]

6. Placing Question on Ballot

If a valid petition is filed by the time specified in 5. above, the town clerk must place the question on the ballot for the next election. Note that the question may appear on either an annual or a special town election ballot.

7. Effect of Passage

If a majority of the votes cast upon a question under 161A:16 to add the town to the MBTA area are in the affirmative, the town shall be added, effective on the first day of January next following the vote.

If a majority of the votes cast upon a question under 161A:15 to discontinue local mass transportation service is in the affirmative, the MBTA shall forthwith take all steps necessary and appropriate for the discontinuance of such local service. Local service shall not be reinstated by the MBTA for a period of at least two years from the date of discontinuance.

NOTE: The votes on either question must be counted and returned to the town clerk in the same manner as votes for candidates in town elections. In addition, the town clerk must immediately notify the MBTA of the result of the vote. A certificate of the vote should be sent to the Massachusetts Bay Transportation Authority, 10 Park Plaza, Boston 02116.

X. REGIONAL TRANSIT AUTHORITY [161B:15]

A town which is a member of a regional transit authority may vote under a ballot question on whether or not to continue its membership. The question may be placed on the ballot by vote of a town meeting or by petition.

The procedures for a petition are the same as outlined under II. W. MBTA Service on page 415 for a question to discontinue mass transportation service under 161A:15, except as follows:

- the following heading must be included on the petition form:

  The undersigned registered voters of the town hereby petition for the placement upon the official ballot of the question whether this town shall continue to be a member of the [name] Regional Transit Authority.

- the text of the question is specified in 161B:15 as follows:

  Shall this town continue to be a member of the [name] Regional Transit Authority?

- if a majority of the votes cast upon the question is in the negative, the authority shall forthwith take all steps necessary and appropriate for the termination of the town's membership. Note that in this case, the question is to *continue* membership while the question under 161A:15 is to *discontinue* membership.

- the town clerk must notify the regional transit authority of the result of the vote.

IV. PETITIONS FOR QUESTIONS WHICH MAY APPEAR ON EITHER THE STATE OR TOWN ELECTION BALLOT

The General Laws provide for several questions which may be placed on either the state election ballot or the town election ballot.

A. 48 HOUR WEEK FOR PERMANENT FIREMEN [48:58B]

In towns which accept 48:58B, hours of duty of the permanent members of the uniformed fire fighting force shall be established by the officer in charge of the force so that the average weekly hours of duty in any year shall not exceed 48. Note, however, that a town bylaw may establish weekly hours of duty at less than 48 even if 48:58B has been accepted. 48:59, the two platoon system, shall not apply to towns which have accepted 48:58B.

48:58B must be accepted under a question placed on the ballot by petition. Petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of question is specified in 48:58B as follows:

Shall section fifty-eight B of chapter forty-eight of the General Laws, providing for a forty-eight hour week for permanent members of fire departments, be accepted?

2. Certified Signatures Required

The number of certified signatures required on the petition is not less than 10 per cent of registered voters in the town. To calculate the number of required signatures, determine the total number of registered voters in the town as of the time of submission and multiply by 0.10.

3. Submitting Petition

48:58A requires that the petition must be *duly certified by the registrars of voters*. Therefore, the provisions of 53:7 apply and the deadline for submission is the 14th day prior to the filing deadline.

If the petition is to be filed with the state secretary, the petition should be submitted for certification by 5:00 P.M. on the 74th day and certification must be completed by the 62nd day prior to the state election at which the question is to appear.

If the petition is to be filed with the town clerk, it must also be submitted to the registrars on the 74th day prior to the town election at which the ballot question is to appear.

4. Filing Deadline

The deadline for filing is the same whether the petition is filed with the state secretary or the town clerk; not less than 60 days before the election at which the ballot question is to appear.

5. Effective Date

If the question is passed, 48:58B takes effect 90 days after the vote is taken.

B. 42 HOUR WEEK FOR PERMANENT FIREMEN [48:58D]

The provisions of 48:58D are the same as outlined above for the 48 hour week, except as follows:

- the average weekly hours in any year shall be 42 instead of 48
- the section may be accepted by vote of an annual town meeting under a warrant article
- a question for acceptance of 48:58D may be placed on the election ballot only by a petition signed by at least 5 per cent of the registered voters in the town
- the text of the ballot question must be as follows:

> *Shall section fifty-eight D of chapter forty-eight of the General Laws, providing for a forty-two hour work week for permanent members of fire departments, be accepted?*

C. FIVE DAY WEEK FOR POLICE DEPARTMENT [147:16C]

The members of a town's police department shall be excused from duty for two days out of every seven without loss of pay if 147:16C is accepted by vote of the town at an annual town meeting. If the town meeting fails to accept the section, it may be accepted under a question placed on the official ballot at a state biennial or annual town election by petition.

The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is specified in 147:16C as follows:

> *Shall the town accept the provisions of section sixteen C of chapter one hundred and forty-seven of the General Laws providing for a five day week for members of the police forces in cities and towns?*

2. Certified Signatures Required

The number of certified signatures required on the petition is not less than 10 per cent of the registered voters of the town. To calculate the number of signatures required, determine the total number of voters as of the time of submission and multiply by 0.10.

3. Submitting Petition

147:16C requires that the petition be *duly certified by the registrars of voters.* Therefore, the provisions of 53:7 apply and the deadline for submission is the 14th day prior to the filing deadline.

If the petition is to be filed with the state secretary, it must be submitted to the registrars by 5:00 P.M. on the 104th day and certification must be completed by the 92nd day prior to the state election at which the question is to appear.

If the petition is to be filed with the town clerk, it must be submitted to the registrars by the 44th day prior to the election.

4. Filing Deadline

If the question is to appear on a state election ballot, the petition must be filed with the state secretary not less than 90 days before the election.

If the question is to appear on the town election ballot, the petition must be filed with the town clerk not less than 30 days before the election.

5. Effective Date

If a majority of the votes in answer to the question in the town is in the affirmative, 147:16C shall take full effect immediately.

D. FLUORIDATION OF TOWN WATER [111:8C]

If the state commissioner of public health determines that the fluoride content of the public water supply for domestic use in any city, town or district is not at optimum level for sound dental health, he shall so notify the local board of health. The local board of health shall order the upward adjustment of the fluoride content of the water supply if it considers doing so is in the best interest of the inhabitants of the city, town or district within its jurisdiction after making an inquiry and other use of the consulting services of the state Department of Public Health, or elsewhere, as it chooses. No such order shall be effective until 90 days after it has been published in a newspaper having a general circulation in the town, or until after a favorable vote has been taken in accordance with the provisions of 111:8C, whichever is later.

NOTE: The provisions of 111:8C do not apply if two or more cities and towns are supplied water from the same source, if the supply to each city or town cannot be treated separately and if a majority of the boards of health representing the cities and towns have voted not to accept the recommendation. However, any city or town desiring to adjust upward the fluoride content of its water may do so if it can install the proper equipment so that it does not interfere with the water supply of the other cities or towns.

In any city, town or district where the local board of health has ordered the upward adjustment of the fluoride content of the water supply, a petition may be filed to require the question of doing so to appear on the ballot. The petition procedures different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

1. Text of Question

The text of the question is specified in 111:8C as follows:

Shall the public water supply for domestic use in this town be fluoridated?

NOTE: If water is supplied by a water district within the town, or supplying more than one city or town, the text must be as follows:

Shall the public water supply for domestic use in this district be fluoridated?

2. Certified Signatures Required

The number of certified signatures required on the petition is 10 per cent of registered voters of the town, or if the petition relates to a district, 10 per cent of registered voters in the district.

3. Submitting Petition

111:8C does not specifically require that the signatures be certified by the registrars nor does it refer to Chapter 53. (see III. A. 5. Submitting Petition on page 369)

NOTE: If the question is to be placed on the state election ballot, the 4th paragraph of 53:7 applies. The petition must be submitted to the registrars by 5:00 P.M. on the 14th day and certification must be completed on the 2nd day prior to the last day for filing.

4. Filing Petition

The petition must be filed with the town clerk within 90 days of the publication of the board of health order and not later than the 60th day before the election at which question is to appear.

The question is to appear on the official ballot at the annual town election or biennial state election, whichever occurs first, at least 60 days after the petition was filed with the town clerk. If the question is to appear on the state election ballot, the town clerk should certify to the state secretary in writing that a valid petition has been filed, but should not forward the petition.

NOTE: If water is supplied by a district, the question shall be placed before the next annual business meeting of the inhabitants of the district under a warrant article. The petition should be submitted to the registrars of the town in which the signers appear to be voters and after certification, it should be filed with the district clerk.

5. Effect of Vote

If a majority of votes cast on the question is affirmative, the question is passed and the water supply shall be fluoridated.

However, if a majority of votes cast on the question is in the negative, the water supply shall not be fluoridated and the board of health shall not order the fluoridation of the water supply again for a period of at least two years from the vote.

V. PETITIONS - TOWN MEETINGS [39:10]

Articles may be placed on an annual or special town meeting warrant by the selectmen. In most cases, the selectmen place articles on the warrant at the request of any other town board, committee or officer. However, the selectmen must place an article on the warrant if a valid petition is filed.

The selectmen may also call a special town meeting when they deem such a meeting necessary. The selectmen must call a special town meeting if a valid petition is filed.

A. WARRANT ARTICLES

1. Petition Form (see sample form on pages 443 and 444)

The form of the petition is not specified in 39:10. Since petitions must be filed with the selectmen, they often prepare a form to be used. However, 39:10 requires that the voters must *not only sign their names but also state their addresses, with street and number, if any.*

2. Text of Article

The text of the article should appear on the petition and the petitioners are responsible for drafting it. However, in many towns, the services of town counsel are made available to petitioners for advice in drafting the article in a legal form.

In some towns, petitioners seek advice from the town clerk. In that case, if you are not certain exactly how the article should be worded, it is suggested that you contact town counsel for advice. Otherwise, you may find, after signatures have been collected, that town counsel gives an adverse opinion on the article because of a legal technicality.

NOTE: If a warrant article is too long to be included in the space provided at the top of a petition form, as much of the article as possible should be entered there. It is suggested that a note such as, *see attached page(s) for remaining text* be entered and the article continued on the attached page(s).

The persons circulating the petition should be certain that at least the beginning of the article appears at the top of each page containing signatures and that each person who signs the petition has the full text available at the time of signing.

3. Certified Signatures Required

If the article is to be placed on the annual town meeting warrant, the number of certified signatures required on the petition is 10. If the article is to be placed on a special town meeting warrant, the number of certified signatures required on the petition is 100, or 10 per cent of the number of registered voters of the town, whichever is the lesser.

4. Filing Petitions

The petition must be filed with the selectmen. No deadline for filing is specified in the 39:10. The petition must be filed in time to have the article printed on the warrant. (see III. A. 11. Petition Filed with Selectmen on page 372)

NOTE: If your town has a bylaw specifying a deadline for the filing of warrant articles, most town counsels rule that petition articles are not subject to that deadline since the bylaws cannot abrogate the voters' right of petition provided in 39:10. Petition articles are subject to the practical deadline required by printing and/or posting of the warrant.

5. Submitting Petitions

39:10 requires that the selectmen submit the petitions to the registrars who shall check and certify the number of signatures which are names of voters in the town. 39:10 also specifies that the registrars need not certify a greater number of signatures than are required. (see III. A. 8. Processing Petitions on page 371 and 9. Guidelines for Signature Certification on page 372)

6. Selectmen to Place Article on Warrant

If a valid petition is filed, the selectmen must place the article requested in the petition on the warrant. They are also responsible for determining the order in which articles appear on the warrant.

In most towns, the selectmen include the article exactly as it appears on the petition even if the wording has some technical flaws. The selectmen do not change any wording unless the consent of all the voters who signed the petition can be obtained. Sometimes, the appropriate technical corrections can be made in the motion to be given at the meeting under the article.

B. PETITION TO CALL A SPECIAL TOWN MEETING

The procedures for a petition to call a special town meeting are the same as outlined under A. WARRANT ARTICLES above, except as follows:

1. Petition Form (see sample form on pages 445 and 446)

The petition to call a special town meeting must be in a form approved by the state secretary. The Elections Division has prepared a sample approved form but does not provide blank forms for distribution to circulators.

The petition must contain the text of the article on which the petitioners request action to be taken at the special town meeting. It also must contain spaces for the voters signatures and two address columns, one for the present address and the other for the address on the preceding January first. The form approved by the state secretary also contains a column in which the registrars should insert the check mark or code letter and the registrars certification of signatures form.

2. Signatures Required

The number of certified signatures required on a petition to call a special town meeting is 200, or 20 per cent of the total number of registered voters of the town, whichever is the lesser.

3. Selectmen to Call Special Meeting

If a valid petition is filed, the selectmen must call a special town meeting to be held not later than 45 days after they received the petition. The warrant for the special meeting must contain the article appearing in the petition.

Other articles may also appear on the special town meeting warrant. The selectmen may include any article they wish or which has been requested by town boards, committees or officers. They must place any article requested by a valid petition signed by at least 100, or 10 per cent of the registered voters of the town, whichever is the lesser.

NOTE: There are no provisions in the General Laws for objections to petitions for warrant articles or to call a special town meeting. A person objecting to such petitions would have to take the matter to court.

(see MEETINGS, I. TOWN MEETING in Volume 2 of this series for further information on warrant articles and town meetings)

VI. PETITIONS - SPECIAL ELECTION TO FILL VACANCY IN OFFICE OF SELECTMAN [41:10; 1987:112]

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy. The selectmen or selectman must call a special election upon petition.

The procedures for petitions different from or in addition to those outlined under III. A. GENERAL on page 366 are as follows:

A. PETITION FORM

There is no specified form of petition. It should contain a statement similar to the following:

The undersigned registered voters of the town hereby request that a special election be called to fill the vacancy in the office of selectmen caused by (the failure to elect a selectman at the annual town election of [date]; resignation/death of a selectman on [date])

Spaces should be provided for voters' signatures and addresses.

B. CERTIFIED SIGNATURES REQUIRED

The number of certified signatures required on the petition is 200 registered voters of the town, or 20 per cent of the total number, whichever is the lesser.

C. FILING PETITIONS

The petition must be filed with the remaining selectmen or selectman not less than 120 days prior to the date of the next annual town election. (see III. A. 11. Petition Filed with Selectmen on page 372)

D. SUBMITTING PETITIONS

41:10 does not specify that the petition be submitted to the registrars nor does it refer to Chapter 53. The selectmen should submit the petition as soon as possible after receipt and the registrars should check and certify the signatures. (see III. A. 5. Submitting Petitions on page 369)

E. SELECTMEN TO CALL SPECIAL ELECTION

If the petition contains a sufficient number of certified signatures, the selectmen must call a special election for the purpose of filling the vacancy in the office.

F. SELECTMEN TO NOTIFY TOWN CLERK [1987:112]

The selectmen must notify the town clerk at least 57 days prior to the date for which the special election was called. The notice should be in writing and contain a certified copy of the selectmen's vote, if there are two remaining selectmen. It must include the date on which the election is to be held and may include the hours during which the polls are to be open and the location.

If the selectmen fail to notify the town clerk by the time specified, the special election cannot be held. In that case, the petitioners may take the matter to court and the court may order the election to be held.

NOTE: The notice requirement added to 41:10 by 1987:112 applies to all special elections which may be called under 41:10, whether called by the selectmen on their on initiative or by petition and regardless of the office to appear on the ballot.

G. PUBLICITY

While not required by 41:10, it is suggested that the town clerk provide ample publicity for the special election including the deadlines related to nomination papers, particularly the deadline for obtaining papers if the town has accepted 53:9A and the deadline for submitting papers to the registrars, where and when papers may be obtained, signature requirement, etc. (see I. NOMINATIONS FOR TOWN OFFICE on page 125)

NOTE: There is no provision in the General Laws for objections to petitions to call a special town election. A person objecting to such a petition would have to take the matter to court.

VII. BALLOT QUESTIONS - NO PETITION PERMITTED

There are sections of the General Laws which provide for questions to appear on a town election ballot but which may not be placed on the ballot by petition. The question is placed on the ballot by vote of the board of selectmen, either upon its own initiative or at the request of another town board, committee or officer.

The following is a list of some of those questions and the General Laws reference:

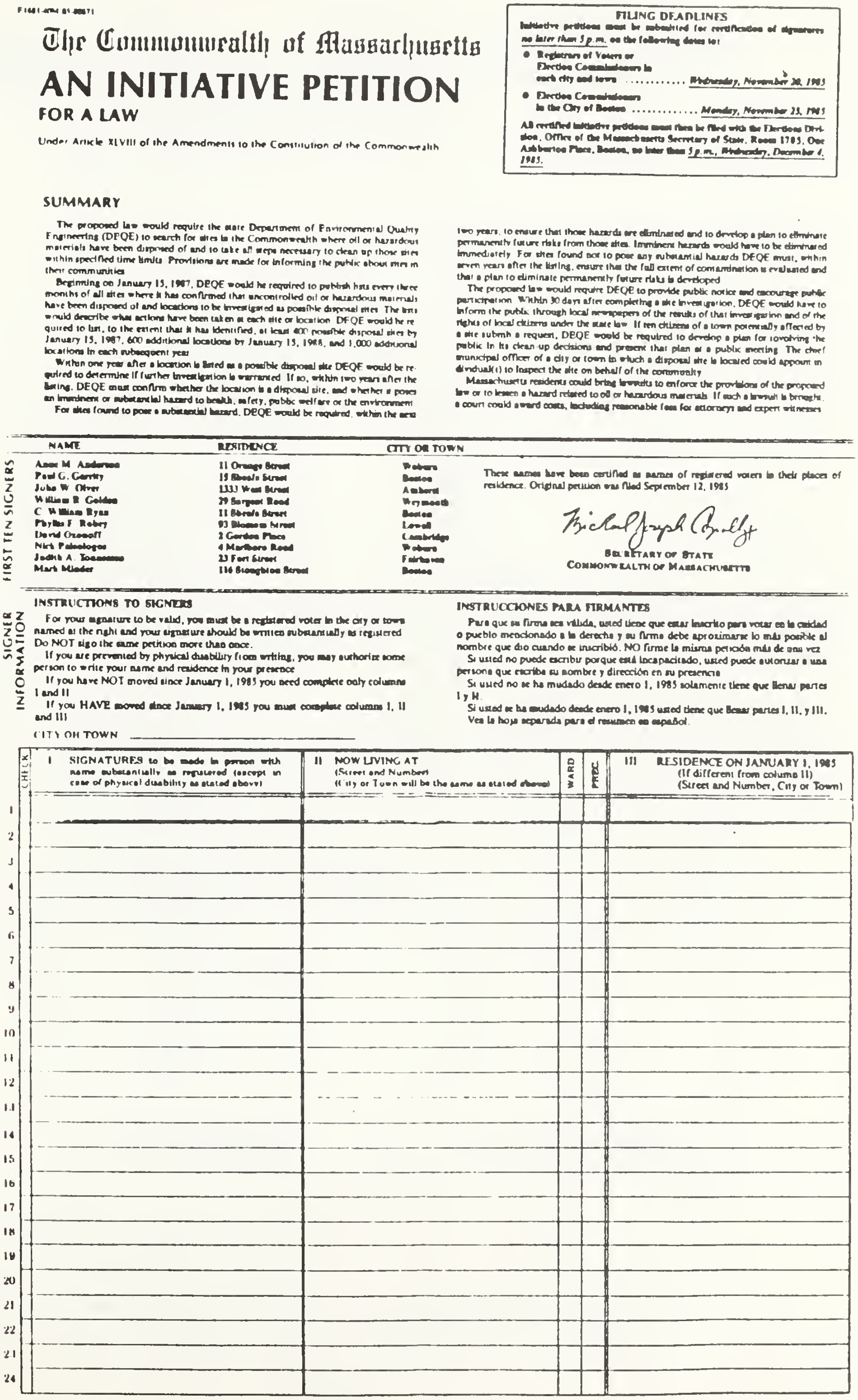
SUBJECT	G.L. REF.
Tenure for appointed town officer	41:128,129
Tenure for member of a department	41:131
Questions related to Prop. 2 1/2 These questions may be placed on state or town election ballot. However, if local initiative procedures are permitted in the town, a question to reduce the amount of the tax levy in a given year may be placed on the ballot by petition under 59:21C(h). (see 1987:229)	59:21C
Accept agreement for lease or purchase and operation of street railway company	161:145

NOTE: A question to approve a regional school district's indebtedness may be placed on the annual town election ballot or on the ballot of a special election by vote of a regional district school committee. [71:16(n)]

SAMPLE

FORM E168J - WHITE - 12" X 19"

(FRONT)



F168J-4M4 85-00871

The Commonwealth of Massachusetts

AN INITIATIVE PETITION

FOR A LAW

Under Article XLVIII of the Amendments to the Constitution of the Commonwealth

FILING DEADLINES

Initiative petitions must be submitted for certification of signatures *no later than 5 p.m.* on the following dates to:

- Registrars of Voters or Election Commissioners in each city and town .... *Wednesday, November 20, 1985*
- Election Commissioners in the City of Boston .... *Monday, November 25, 1985*

All certified initiative petitions must then be filed with the Elections Division, Office of the Massachusetts Secretary of State, Room 1705, One Ashburton Place, Boston, no later than *5 p.m., Wednesday, December 4, 1985.*

SUMMARY

The proposed law would require the state Department of Environmental Quality Engineering (DEQE) to search for sites in the Commonwealth where oil or hazardous materials have been disposed of and to take all steps necessary to clean up those sites within specified time limits. Provisions are made for informing the public about sites in their communities.

Beginning on January 15, 1987, DEQE would be required to publish lists every three months of all sites where it has confirmed that uncontrolled oil or hazardous materials have been disposed of and locations to be investigated as possible disposal sites. The lists would describe what actions have been taken at each site or location. DEQE would be required to list, to the extent that it has identified, at least 400 possible disposal sites by January 15, 1987, 600 additional locations by January 15, 1988, and 1,000 additional locations in each subsequent year.

Within one year after a location is listed as a possible disposal site DEQE would be required to determine if further investigation is warranted. If so, within two years after the listing, DEQE must confirm whether the location is a disposal site, and whether it poses an imminent or substantial hazard to health, safety, public welfare or the environment.

For sites found to pose a substantial hazard, DEQE would be required, within the next two years, to ensure that those hazards are eliminated and to develop a plan to eliminate permanently future risks from those sites. Imminent hazards would have to be eliminated immediately. For sites found not to pose any substantial hazards DEQE must, within seven years after the listing, ensure that the full extent of contamination is evaluated and that a plan to eliminate permanently future risks is developed.

The proposed law would require DEQE to provide public notice and encourage public participation. Within 30 days after completing a site investigation, DEQE would have to inform the public through local newspapers of the results of that investigation and of the rights of local citizens under the state law. If ten citizens of a town potentially affected by a site submit a request, DEQE would be required to develop a plan for involving the public in its clean-up decisions and present that plan at a public meeting. The chief municipal officer of a city or town in which a disposal site is located could appoint individual(s) to inspect the site on behalf of the community.

Massachusetts residents could bring lawsuits to enforce the provisions of the proposed law or to lessen a hazard related to oil or hazardous materials. If such a lawsuit is brought, a court could award costs, including reasonable fees for attorneys and expert witnesses.

FIRST TEN SIGNERS

NAME	RESIDENCE	CITY OR TOWN
Anne M. Anderson	11 Orange Street	Woburn
Paul G. Garrity	15 Sheafe Street	Boston
John W. Olver	1333 West Street	Amherst
William R. Golden	29 Sargent Road	Weymouth
C. William Ryan	11 Sheafe Street	Boston
Phyllis F. Robey	93 Blossom Street	Lowell
David Ozonoff	2 Gordon Place	Cambridge
Nick Paleologos	4 Marlboro Road	Woburn
Judith A. Tommasso	23 Fort Street	Fairhaven
Mark Minder	116 Stoughton Street	Boston

These names have been certified as names of registered voters in their places of residence. Original petition was filed September 12, 1985

Michael Joseph Connolly

SECRETARY OF STATE
COMMONWEALTH OF MASSACHUSETTS

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named at the right and your signature should be written substantially as registered. Do NOT sign the same petition more than once.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1985 you need complete only columns I and II.

If you HAVE moved since January 1, 1985 you must complete columns I, II and III.

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea válida, usted tiene que estar inscrito para votar en la ciudad o pueblo mencionado a la derecha y su firma debe aproximarse lo más posible al nombre que dio cuando se inscribió. NO firme la misma petición más de una vez.

Si usted no puede escribir porque está incapacitado, usted puede autorizar a una persona que escriba su nombre y dirección en su presencia.

Si usted no se ha mudado desde enero 1, 1985 solamente tiene que llenar partes I y II.

Si usted se ha mudado desde enero 1, 1985 usted tiene que llenar partes I, II, y III.

Vea la hoja separada para el resumen en español.

CITY OR TOWN ______________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1985 (If different from column II) (Street and Number, City or Town)
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SAMPLE

FORM E168J - WHITE - 12" X 19"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.

CITY OR TOWN ____________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1985 (If different from column II) (Street and Number, City or Town)
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REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received

Check thus ✓ against the name of each qualified voter to be certified. For names not certified use the code at the right

Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable

N - no such registered voter at that address
S - unable to identify signature or address as that of voter because of form of signature or address or illegible
W - wrong community
T - signed too many papers for this question

CERTIFICATION OF SIGNATURES

____________________ ____________________
city or town month and day

We certify that ____________________
(number of names certified)

above signatures checked thus ✓ are names of qualified voters from this town or city

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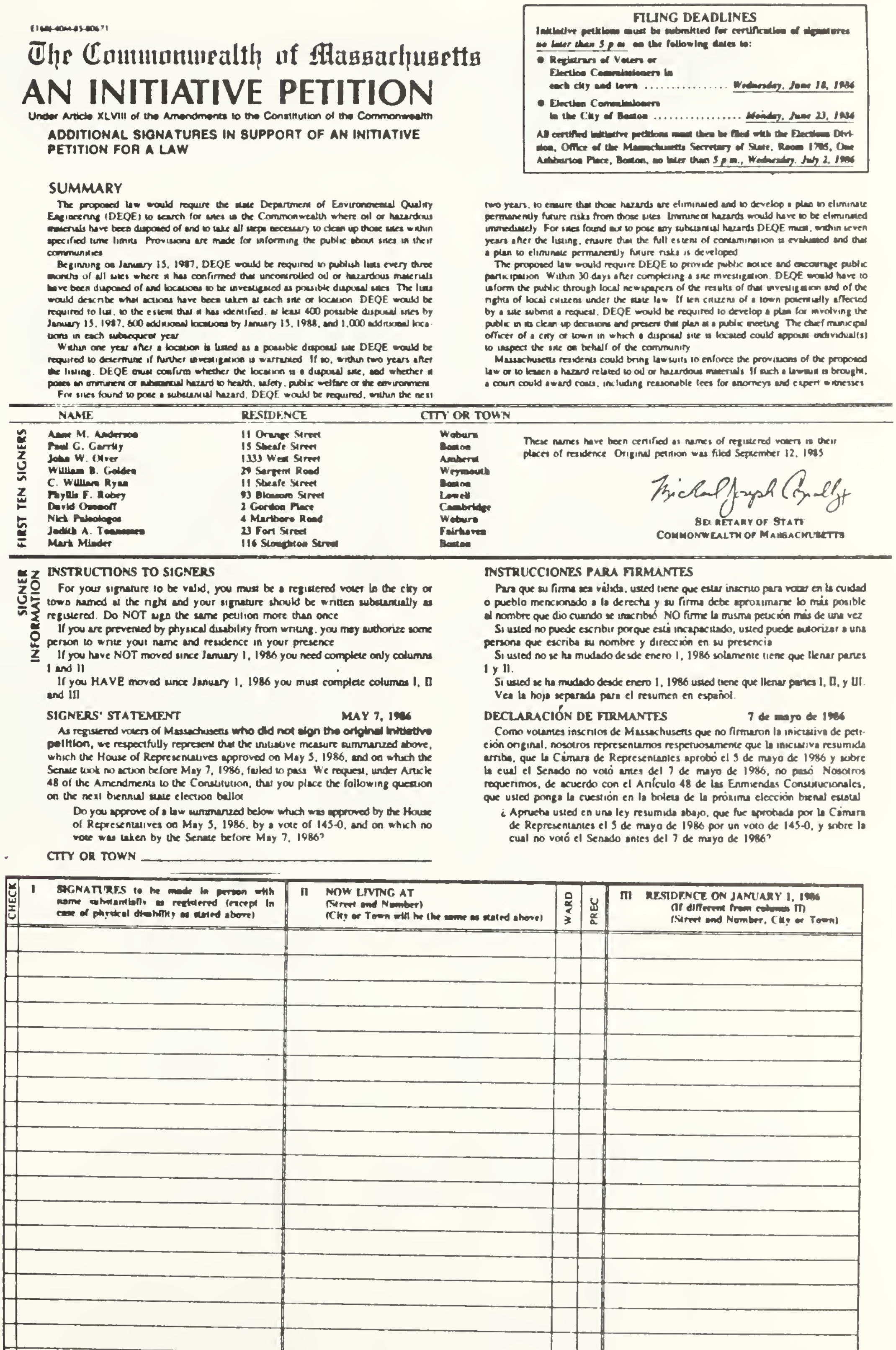
Registrars of Voters or Election Commissioners of

____________________ ____________________
city or town county

SAMPLE

FORM E168J - BEIGE - 12" X 19"

(FRONT)



FILING DEADLINES

Initiative petitions must be submitted for certification of signatures *no later than 5 p.m.* on the following dates to:

- **Registrars of Voters or Election Commissioners in each city and town** .... ***Wednesday, June 18, 1986***
- **Election Commissioners in the City of Boston** .... ***Monday, June 23, 1986***

All certified initiative petitions must then be filed with the Elections Division, Office of the Massachusetts Secretary of State, Room 1705, One Ashburton Place, Boston, no later than *5 p.m., Wednesday, July 2, 1986*

[illegible]

The Commonwealth of Massachusetts

AN INITIATIVE PETITION

Under Article XLVIII of the Amendments to the Constitution of the Commonwealth

ADDITIONAL SIGNATURES IN SUPPORT OF AN INITIATIVE PETITION FOR A LAW

SUMMARY

The proposed law would require the state Department of Environmental Quality Engineering (DEQE) to search for sites in the Commonwealth where oil or hazardous materials have been disposed of and to take all steps necessary to clean up those sites within specified time limits. Provisions are made for informing the public about sites in their communities.

Beginning on January 15, 1987, DEQE would be required to publish lists every three months of all sites where it has confirmed that uncontrolled oil or hazardous materials have been disposed of and locations to be investigated as possible disposal sites. The lists would describe what actions have been taken at each site or location. DEQE would be required to list, to the extent that it has identified, at least 400 possible disposal sites by January 15, 1987, 600 additional locations by January 15, 1988, and 1,000 additional locations in each subsequent year.

Within one year after a location is listed as a possible disposal site DEQE would be required to determine if further investigation is warranted. If so, within two years after the listing, DEQE must confirm whether the location is a disposal site, and whether it poses an imminent or substantial hazard to health, safety, public welfare or the environment.

For sites found to pose a substantial hazard, DEQE would be required, within the next two years, to ensure that those hazards are eliminated and to develop a plan to eliminate permanently future risks from those sites. Imminent hazards would have to be eliminated immediately. For sites found not to pose any substantial hazards DEQE must, within seven years after the listing, ensure that the full extent of contamination is evaluated and that a plan to eliminate permanently future risks is developed.

The proposed law would require DEQE to provide public notice and encourage public participation. Within 30 days after completing a site investigation, DEQE would have to inform the public through local newspapers of the results of that investigation and of the rights of local citizens under the state law. If ten citizens of a town potentially affected by a site submit a request, DEQE would be required to develop a plan for involving the public in its clean-up decisions and present that plan at a public meeting. The chief municipal officer of a city or town in which a disposal site is located could appoint individual(s) to inspect the site on behalf of the community.

Massachusetts residents could bring lawsuits to enforce the provisions of the proposed law or to lessen a hazard related to oil or hazardous materials. If such a lawsuit is brought, a court could award costs, including reasonable fees for attorneys and expert witnesses.

FIRST TEN SIGNERS

NAME	RESIDENCE	CITY OR TOWN
Anne M. Anderson	11 Orange Street	Woburn
Paul G. Garrity	15 Sheafe Street	Boston
John W. Olver	1333 West Street	Amherst
William B. Golden	29 Sargent Road	Weymouth
C. William Ryan	11 Sheafe Street	Boston
Phyllis F. Robey	93 Blossom Street	Lowell
David Ozonoff	2 Gordon Place	Cambridge
Nick Paleologos	4 Marlboro Road	Woburn
Judith A. Tennessen	23 Fort Street	Fairhaven
Mark Minder	116 Stoughton Street	Boston

These names have been certified as names of registered voters in their places of residence. Original petition was filed September 12, 1985

SECRETARY OF STATE
COMMONWEALTH OF MASSACHUSETTS

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named at the right and your signature should be written substantially as registered. Do NOT sign the same petition more than once.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1986 you need complete only columns I and II.

If you HAVE moved since January 1, 1986 you must complete columns I, II and III.

SIGNERS' STATEMENT — MAY 7, 1986

As registered voters of Massachusetts **who did not sign the original initiative petition**, we respectfully represent that the initiative measure summarized above, which the House of Representatives approved on May 5, 1986, and on which the Senate took no action before May 7, 1986, failed to pass. We request, under Article 48 of the Amendments to the Constitution, that you place the following question on the next biennial state election ballot.

> Do you approve of a law summarized below which was approved by the House of Representatives on May 5, 1986, by a vote of 145-0, and on which no vote was taken by the Senate before May 7, 1986?

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea válida, usted tiene que estar inscrito para votar en la ciudad o pueblo mencionado a la derecha y su firma debe aproximarse lo más posible al nombre que dio cuando se inscribió. NO firme la misma petición más de una vez.

Si usted no puede escribir porque está incapacitado, usted puede autorizar a una persona que escriba su nombre y dirección en su presencia.

Si usted no se ha mudado desde enero 1, 1986 solamente tiene que llenar partes I y II.

Si usted se ha mudado desde enero 1, 1986 usted tiene que llenar partes I, II, y III.

Vea la hoja separada para el resumen en español.

DECLARACIÓN DE FIRMANTES — 7 de mayo de 1986

Como votantes inscritos de Massachusetts que no firmaron la iniciativa de petición original, nosotros representamos respetuosamente que la iniciativa resumida arriba, que la Cámara de Representantes aprobó el 5 de mayo de 1986 y sobre la cual el Senado no votó antes del 7 de mayo de 1986, no pasó. Nosotros requerimos, de acuerdo con el Artículo 48 de las Enmiendas Constitucionales, que usted ponga la cuestión en la boleta de la próxima elección bienal estatal.

> ¿ Aprueba usted en una ley resumida abajo, que fue aprobada por la Cámara de Representantes el 5 de mayo de 1986 por un voto de 145-0, y sobre la cual no votó el Senado antes del 7 de mayo de 1986?

CITY OR TOWN ______________________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)
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SAMPLE

FORM E168J - BEIGE - 12" X 19"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.

CITY OR TOWN ____________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1986 (If different from column II) (Street and Number, City or Town)
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REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code at the right

Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable

N - no such registered voter at that address

S - unable to identify signature or address as that of voter because of form of signature or address, or illegible

W - wrong community

T - signed too many papers for this question or already signed original petition

CERTIFICATION OF SIGNATURES

____

city or town month and day

We certify that ____________________

(number of names certified)

above signatures checked ✓ are names of qualified voters from this town or city

____

____

____

____

Registrars of Voters or Election Commissioners of

____

city or town county

J

SAMPLE

FORM E 168E - WHITE - 12" X 19"

The Commonwealth of Massachusetts

AN INITIATIVE PETITION

FOR AN AMENDMENT TO THE CONSTITUTION

Under Article XLVIII of the Amendments to the Constitution of the Commonwealth

FILING DEADLINES

Initiative petitions must be submitted for certification of signatures *no later than 5 p.m.* on the following dates to:

- Registrars of Voters or Election Commissioners in each city and town .... *Wednesday, November 23, 1983*
- Election Commissioners in the City of Boston .... *Monday, November 28, 1983*

All certified initiative petitions must then be filed with the Elections Division, Office of the Massachusetts Secretary of State, Room 1705, One Ashburton Place, Boston, no later than *5 p.m., Wednesday, December 7, 1983.*

SUMMARY

The proposed constitutional amendment would require that the regular session of the Legislature begin on the first Wednesday in January and end not later than the day before the first Wednesday in July of each year. It would allow for the calling of a special session of the Legislature at any time by either a majority of the members of each house of the Legislature or by the Governor.

It would provide that legislation not acted upon at the close of any session be considered rejected, except that a constitutional amendment proposed by an initiative petition which is not acted upon by that time would be considered to have received a favorable vote.

NAME	RESIDENCE	CITY OR TOWN
Richard A. Manley	49 Middle Street	Hingham
Mary B. Newman	5 Willard Street	Cambridge
John A. Fopplano	118 Ratledge Road	Belmont
Thomas L. P. O'Donnell	7 South Lane	Hingham
Leon J. Lombardi	261 Purchase Street	Easton
Lyman H. Ziegler	103 Wahen Avenue	Newton
Robert L. Hughes, Jr.	15 Temple Street	Boston
Rita Willett	95 Aldrich Road	Wilmington
Donald E. Buchholtz	85 Westglow Street	Boston
Thomas F. Duffley	1048 South Street	Boston

These names have been certified as names of registered voters in their places of residence. Original petition was filed September 8, 1983

Michael Joseph Connolly

SECRETARY OF STATE
COMMONWEALTH OF MASSACHUSETTS

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named at the right and your signature should be written substantially as registered. Do NOT sign the same petition more than once.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1983 you need complete only columns I and II.

If you HAVE moved since January 1, 1983 you must complete columns I, II and III.

CITY OR TOWN ______________________

COUNTY ______________________

CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 1983 (If different from column II) (Street and Number, City or Town)

E

SAMPLE

WHITE - 12" X 19"

(no form number)

The Commonwealth of Massachusetts

A REFERENDUM PETITION

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth

We protest against Chapter 416 of the Acts of 1985, "An Act requiring the use of safety belts in certain motor vehicles." We request a referendum on this law.

FILING DEADLINES

Referendum petitions must be submitted for certification of signatures *no later than 5 p.m.* on the following dates to:

- **Registrars of Voters or Election Commissioners in each city and town** .... ***Monday, January 6, 1986***
- **Election Commissioners in the City of Boston** .... ***Friday, January 10, 1986***

All certified referendum petitions must then be filed with the Elections Division, Office of the Massachusetts Secretary of State, Room 1705, One Ashburton Place, Boston, no later than *5 p.m., Monday, January 20, 1986.*

SUMMARY

The law requires all drivers and passengers to wear properly adjusted and fastened safety belts while travelling in motor vehicles on public ways. It does not apply to: children under five years old who are required by another law to wear safety belts or be restrained in safety car seats; passengers in vehicles where all safety belts are being used by others; passengers in buses; persons riding in vehicles built before July 1, 1966, or in which safety belts were not installed as original equipment, or persons who are certified by a physician to be physically unable to use safety belts. The law also does not apply to policy officers, rural mail carriers, or drivers or passengers of other vehicles that stop frequently and travel at speeds not exceeding 15 miles per hour between stops.

Drivers or passengers sixteen years or older who do not wear safety belts are subject to a $15 fine. The driver of a vehicle is also subject to a $15 fine for each passenger under sixteen who does not wear a safety belt. This law, however, can be enforced only if the driver is stopped for a violation of another motor vehicle law. Safety belt violations will not result in surcharges on motor vehicle insurance premiums. The law also requires that when the Commissioner of Insurance sets motor vehicles insurance rates, the rates must reflect any savings attributable to increased use of safety belts.

The law also requires that all motor vehicles manufactured after September 1, 1989, that are sold or registered in Massachusetts be equipped with crash protection devices, as specified by federal regulations. Any manufacturer who sells or delivers motor vehicles that are not equipped with such safety devices will be subject to a fine of not more than $100 for each sale or delivery. This law is not intended to eliminate the federal requirements for passive crash protection devices in motor vehicles.

The law also provides that a non-binding question, unlike this binding referendum, shall be placed on the 1986 general election ballot asking whether the voters approve of the law.

FIRST TEN SIGNERS

NAME	RESIDENCE	CITY OR TOWN
Marcia R. March	19 Gail Drive	Westfield
Kathy A. Noret	Rt. 23, Blandford Road	Russell
Gerald Canterbury	100 Lime Street	Easthampton
Elizabeth J. Canterbury	100 Lime Street	Easthampton
Stephen F. Roit	35 Pinehurst Street	Westfield
Marion E. Roit	35 Pinehurst Street	Westfield
William C. Noret, Jr.	Rt. 23, Blandford Road	Russell
David J. Masciadrelli	152 Susan Drive	Westfield
Marie I. Masciadrelli	152 Susan Drive	Westfield
Stanley F. March	19 Gail Drive	Westfield

These names have been certified as names of registered voters in their places of residence. Original petition was filed October 30, 1985.

Michael Joseph Connolly

SECRETARY OF STATE
COMMONWEALTH OF MASSACHUSETTS

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named at the right and your signature should be written substantially as registered. Do NOT sign the same petition more than once.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1, 1985 you need complete only columns I and II.

If you HAVE moved since January 1, 1985 you must complete columns I, II and III.

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea válida, usted tiene que estar inscrito para votar en la cuidad o pueblo mencionado a la derecha y su firma debe aproximarse lo más posible al nombre que dio cuando se inscribió. NO firme la misma petición más de una vez.

Si usted no puede escribir porque está incapacitado, usted puede autorizar a una persona que escriba su nombre y dirección en su presencia.

Si usted no se ha mudado desde enero 1, 1985 solamente tiene que llenar partes I y II.

Si usted se ha mudado desde enero 1, 1985 usted tiene que llenar partes I, II, y III.

Vea la hoja separada para el resumen en español.

CITY OR TOWN ______________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and Number) (City or Town will be the same as stated above)	WARD	PREC	III RESIDENCE ON JANUARY 1, 1985 (If different from column II) (Street and Number, City or Town)
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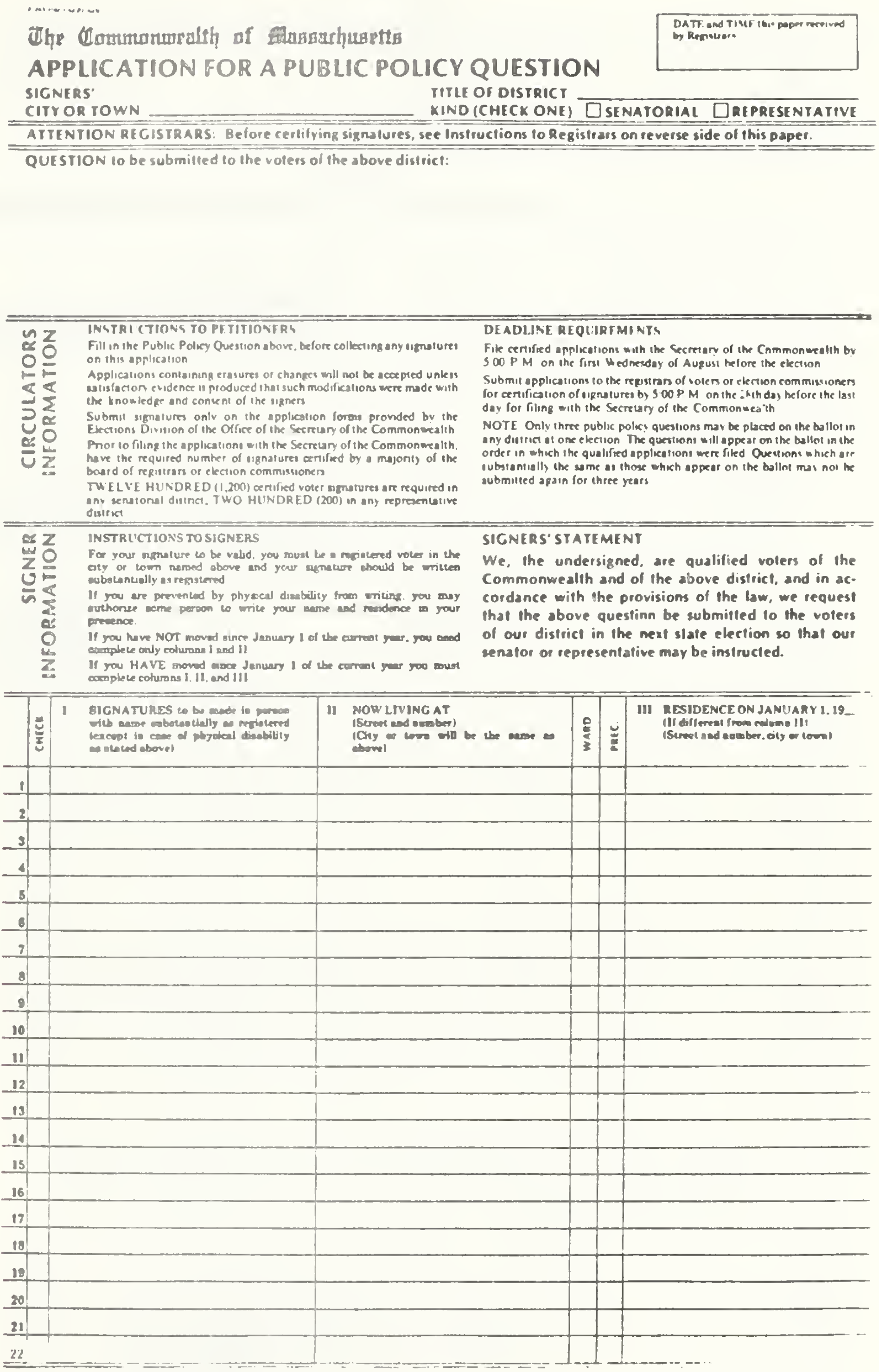
SAMPLE

FORM E165 - WHITE - 11" X 17"



The Commonwealth of Massachusetts

APPLICATION FOR A PUBLIC POLICY QUESTION

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ______________________

TITLE OF DISTRICT ______________________

KIND (CHECK ONE) ☐ SENATORIAL ☐ REPRESENTATIVE

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

QUESTION to be submitted to the voters of the above district:

CIRCULATORS INFORMATION

INSTRUCTIONS TO PETITIONERS

Fill in the Public Policy Question above, before collecting any signatures on this application

Applications containing erasures or changes will not be accepted unless satisfactory evidence is produced that such modifications were made with the knowledge and consent of the signers

Submit signatures only on the application forms provided by the Elections Division of the Office of the Secretary of the Commonwealth

Prior to filing the applications with the Secretary of the Commonwealth, have the required number of signatures certified by a majority of the board of registrars or election commissioners

TWELVE HUNDRED (1,200) certified voter signatures are required in any senatorial district. TWO HUNDRED (200) in any representative district

DEADLINE REQUIREMENTS

File certified applications with the Secretary of the Commonwealth by 5 00 P M on the first Wednesday of August before the election

Submit applications to the registrars of voters or election commissioners for certification of signatures by 5 00 P M on the [illegible]th day before the last day for filing with the Secretary of the Commonwealth

NOTE Only three public policy questions may be placed on the ballot in any district at one election The questions will appear on the ballot in the order in which the qualified applications were filed Questions which are substantially the same as those which appear on the ballot may not be submitted again for three years

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and your signature should be written substantially as registered

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of the current year, you need complete only columns I and II

If you HAVE moved since January 1 of the current year you must complete columns I, II, and III

SIGNERS' STATEMENT

We, the undersigned, are qualified voters of the Commonwealth and of the above district, and in accordance with the provisions of the law, we request that the above questinn be submitted to the voters of our district in the next state election so that our senator or representative may be instructed.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and number) (City or town will be the same as above)	WARD	PREC.	III RESIDENCE ON JANUARY 1, 19__ (If different from column II) (Street and number, city or town)
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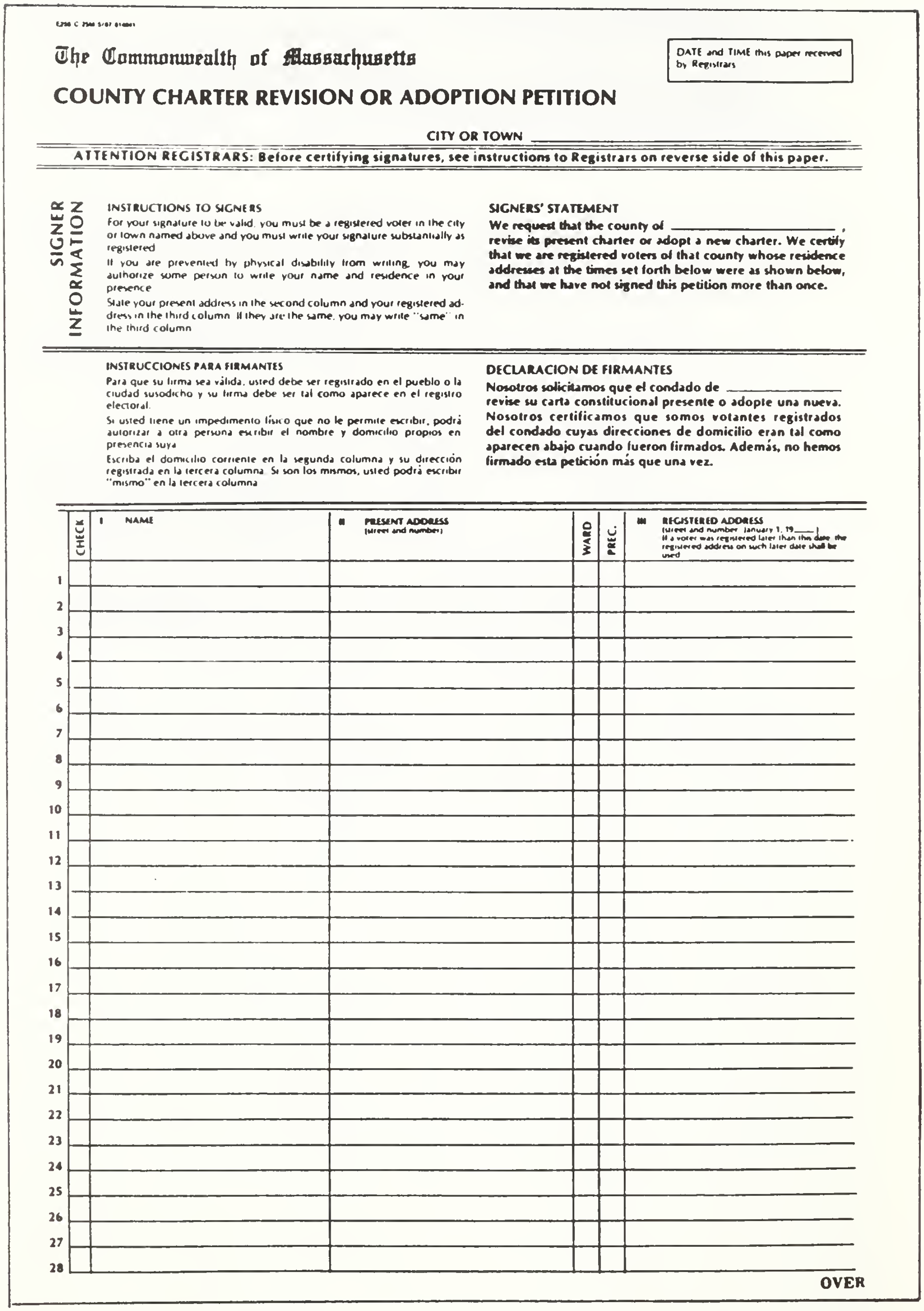
SAMPLE

FORM E256-C - WHITE - 11" X 17"

(FRONT)



The Commonwealth of Massachusetts

DATE and TIME this paper received by Registrars

COUNTY CHARTER REVISION OR ADOPTION PETITION

CITY OR TOWN ______________________

ATTENTION REGISTRARS: Before certifying signatures, see instructions to Registrars on reverse side of this paper.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and you must write your signature substantially as registered

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence

State your present address in the second column and your registered address in the third column If they are the same, you may write "same" in the third column

SIGNERS' STATEMENT

We request that the county of ______________________ , revise its present charter or adopt a new charter. We certify that we are registered voters of that county whose residence addresses at the times set forth below were as shown below, and that we have not signed this petition more than once.

INSTRUCCIONES PARA FIRMANTES

Para que su firma sea válida, usted debe ser registrado en el pueblo o la ciudad susodicho y su firma debe ser tal como aparece en el registro electoral.

Si usted tiene un impedimento físico que no le permite escribir, podrá autorizar a otra persona escribir el nombre y domicilio propios en presencia suya

Escriba el domicilio corriente en la segunda columna y su dirección registrada en la tercera columna Si son los mismos, usted podrá escribir "mismo" en la tercera columna

DECLARACION DE FIRMANTES

Nosotros solicitamos que el condado de ______________________ revise su carta constitucional presente o adopte una nueva. Nosotros certificamos que somos votantes registrados del condado cuyas direcciones de domicilio eran tal como aparecen abajo cuando fueron firmados. Además, no hemos firmado esta petición más que una vez.

	CHECK	I NAME	II PRESENT ADDRESS (street and number)	WARD	PREC.	III REGISTERED ADDRESS (street and number January 1, 19____) If a voter was registered later than this date the registered address on such later date shall be used
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OVER

Note: Due to 1988:296, the headings for columns I, II and III are being revised. They will be the same as on nomination papers.

SAMPLE

FORM E256-C - WHITE - 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read the signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

SIGNERS' CITY OR TOWN ____________________

	CHECK	I NAME	II PRESENT ADDRESS (street and number)	WARD	PREC.	III REGISTERED ADDRESS (street and number, January 1, 19__) If a voter was registered later than this date, the registered address on such later date shall be used
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Warning — criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying, or suppressing this petition: fine of up to $1,000 or imprisonment for up to one year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these petitions are received.

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code below. Draw a line through any blank spaces not containing signatures. Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.

N - no such registered voter at that address
S - unable to identify signature or address as that of voter because of form of signature or address, or illegible
W - wrong community
T - signed too many forms

CERTIFICATION OF SIGNATURES

______________________ ______________
city or town date

We certify that ______________________
number of names certified — use numbers and words

above signatures checked thus ✓ are names of qualified voters from this city or town.

(at least three registrars' names must be signed or stamped below)

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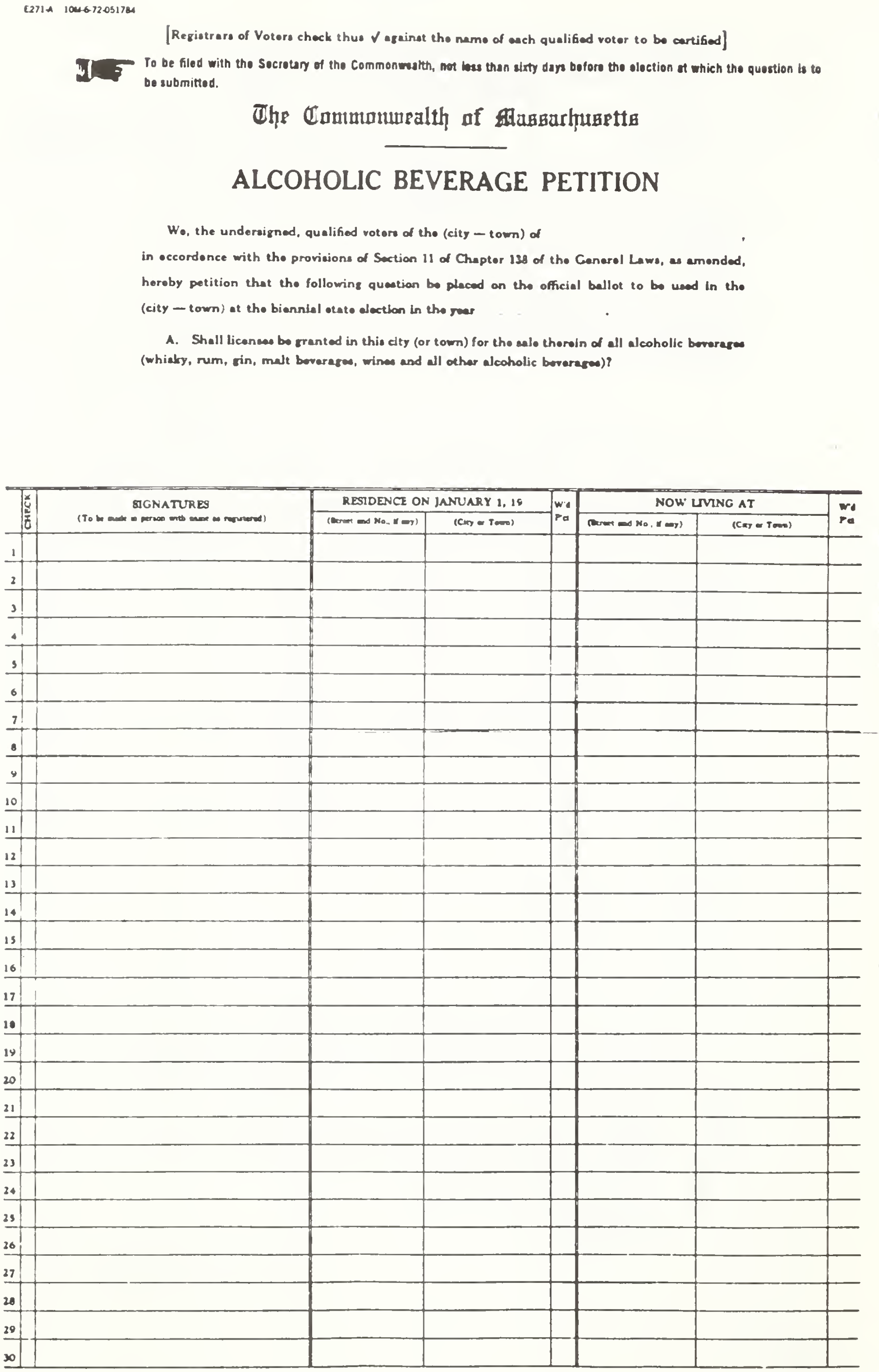
Registrars of Voters or Election Commissioners

SAMPLE

FORM E271A - WHITE - 12" X 19"

(FRONT)



E271-A 10M-6-72-051784

[Registrars of Voters check thus ✓ against the name of each qualified voter to be certified]

To be filed with the Secretary of the Commonwealth, not less than sixty days before the election at which the question is to be submitted.

The Commonwealth of Massachusetts

ALCOHOLIC BEVERAGE PETITION

We, the undersigned, qualified voters of the (city — town) of ,
in accordance with the provisions of Section 11 of Chapter 138 of the General Laws, as amended, hereby petition that the following question be placed on the official ballot to be used in the (city — town) at the biennial state election in the year .

A. Shall licenses be granted in this city (or town) for the sale therein of all alcoholic beverages (whisky, rum, gin, malt beverages, wines and all other alcoholic beverages)?

	CHECK	SIGNATURES (To be made in person with name as registered)	RESIDENCE ON JANUARY 1, 19		W'd Pct	NOW LIVING AT		W'd Pct
			(Street and No., if any)	(City or Town)		(Street and No., if any)	(City or Town)	
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SAMPLE

FORM E271A - WHITE - 12" X 19"

(BACK)

	CHECK	SIGNATURES (To be made in person with name as registered)	RESIDENCE ON JANUARY 1, 19		Wd Pct	NOW LIVING AT		Wd Pct
			(Street and No., if any)	(City or Town)		(Street and No., if any)	(City or Town)	
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(Registrars of Voters check thus ✓ against the name of each qualified voter to be certified)

The Commonwealth of Massachusetts

(CITY OR TOWN, MONTH AND DAY) 19

We hereby certify that the (NUMBER OF NAMES CERTIFIED) above signatures checked thus √

are the names of qualified voters in (CITY OR TOWN) .

Registrars of Voters or
Election Commissioners of

(CITY OR TOWN)

SAMPLE

FORM E254A - WHITE - 11" X 17"

(FRONT)

E 254A 10M 3 78 143711

The Commonwealth of Massachusetts

PARI-MUTUEL PETITION: HORSES

DATE and TIME this paper received by Registrars

SIGNERS' CITY OR TOWN ____________________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

QUESTION: A. SHALL THE PARI-MUTUEL SYSTEM OF BETTING ON LICENSED HORSE RACES BE PERMITTED IN THIS COUNTY?

CIRCULATOR INFORMATION

INSTRUCTIONS TO CIRCULATOR

Fill in all required information prior to circulating petitions. Contact the Office of Campaign and Political Finance, 8 Beacon Street, Boston, Mass., 02108, about campaign finance reporting requirements at (617) 727-8352

After circulating be sure to complete the Circulator's Statement on the reverse side of this paper. It is a statement to be signed under the penalties of perjury by the person who circulated this petition stating that each person whose name appears on this petition signed that name in person

The laws governing this pari-mutuel petition process are found in Section 14 of Chapter 128A of the *General Laws*

DEADLINES

Petitions must be submitted to the local Registrars of Voters in the community stated on this paper, no later than 5 P.M., on the 7th day prior to filing with the Secretary of the Commonwealth

Petitions must be filed with the Secretary of the Commonwealth no later than 5 P.M. on the 60th day before the election

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and your signature should be written substantially as registered

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence

If you have NOT moved since January 1 of this year, you need complete only columns I and II

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNERS' STATEMENT

We, the undersigned, are qualified voters of this city or town, in the County of ____________________, and in accordance with the provisions of law, petition that the above question be placed on the official ballot to be used in the cities and towns of this county at the biennial state election in this county.

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and number) (City or town will be the same one as above)	PREC.	III RESIDENCE ON JANUARY 1, 19 (If different from column II) (Street and number, city or town)
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OVER

SAMPLE

FORM E254A - WHITE - 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read the signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

SIGNERS' CITY OR TOWN ____________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW LIVING AT (Street and number) (City or town will be the same one as above)	PREC.	III RESIDENCE ON JANUARY 1, 19 (If different from column II) (Street and number, city or town)
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CIRCULATOR'S STATEMENT

I hereby certify, under the penalties of perjury that the names on the above petition were signed in person as provided in General Laws, Chapter 53, Section 22B

SIGNATURE ____________________

ADDRESS ____________________

____

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these papers are received

Check thus ✓ against the name of each qualified voter to be certified. For names not certified, use the code to the right:

N - no such registered voter at that address

S - unable to identify signature or address as that of voter because of form of signature or address or illegible

W - wrong county or community

T - signed too many petitions for this question

CERTIFICATION OF SIGNATURES

____
town, month and day

We certify that ____________________ above signatures checked thus ✓ are names of qualified voters from this city or town.
number of names certified

City or Town ____________________

____

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Registrars of Voters

Note: Circulator's statement not required. 53:22B repealed by 1985:124.

SAMPLE - GENERAL BALLOT QUESTION PETITION FORM

Instructions to Circulators: The text of the question must be entered on each form in the space provided below, before signatures are collected. The signed petition must be filed with the [town clerk/selectmen] not later than 5:00 P.M. on [date]. [#] certified signatures are required. Collect well more than that number in case some signatures must be rejected by the registrars.

(insert text of question here)

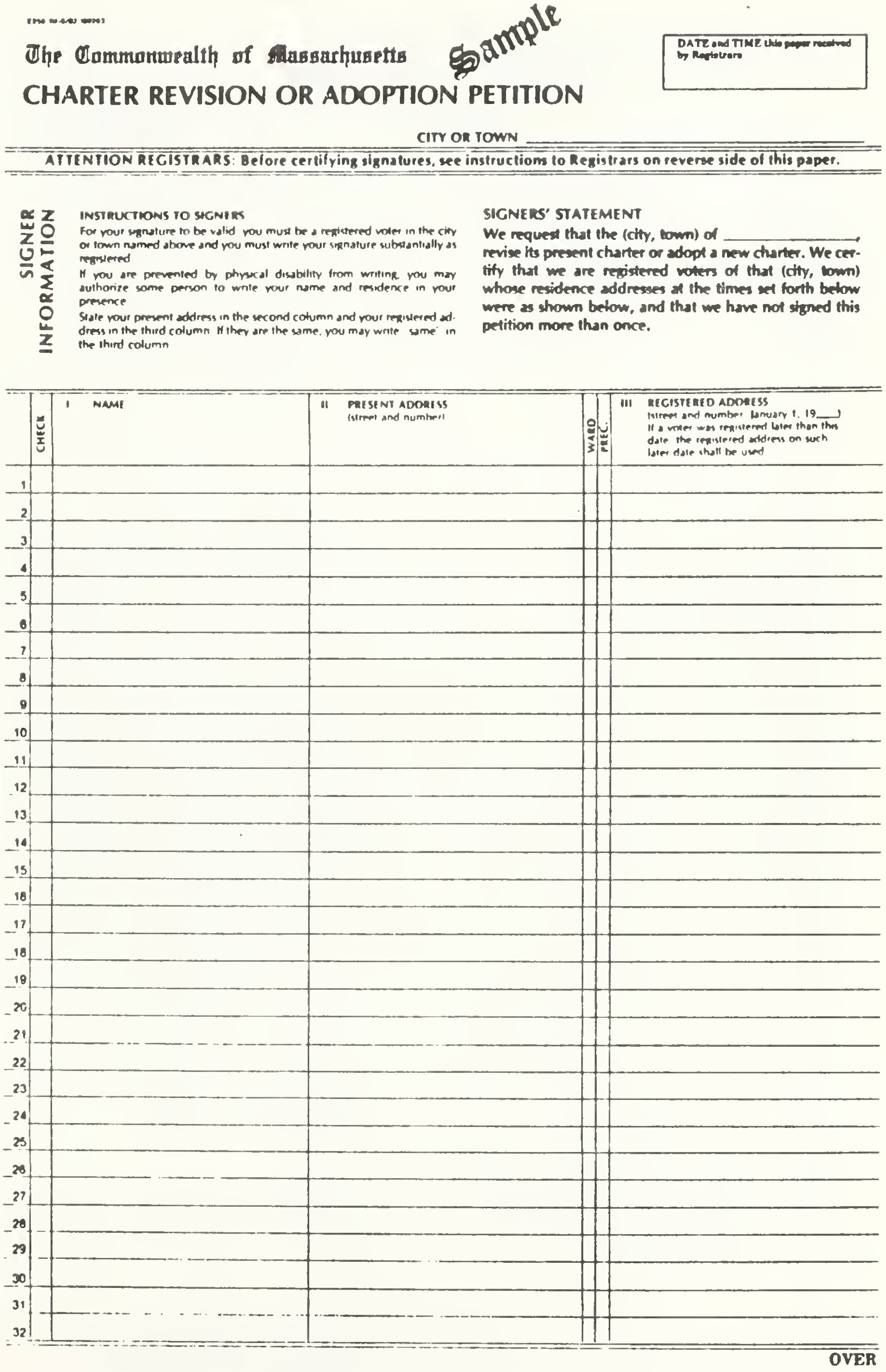
We, the undersigned, are qualified voters of the town of [name] and in accordance with the provisions of law [chapter & section], petition that the above question be placed on the official ballot to be used at the [annual/special] town election. We certify that we have not signed this petition more than once.

SIGNATURE, as registered or substantially as registered	ADDRESS where registered street and number

SAMPLE

FORM E256 - WHITE - 11" X 17 "

(FRONT)



The Commonwealth of Massachusetts

Sample

CHARTER REVISION OR ADOPTION PETITION

DATE and TIME this paper received by Registrars

CITY OR TOWN ____________________

ATTENTION REGISTRARS: Before certifying signatures, see instructions to Registrars on reverse side of this paper.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid you must be a registered voter in the city or town named above and you must write your signature substantially as registered

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence

State your present address in the second column and your registered address in the third column If they are the same, you may write "same" in the third column

SIGNERS' STATEMENT

We request that the (city, town) of ______________, revise its present charter or adopt a new charter. We certify that we are registered voters of that (city, town) whose residence addresses at the times set forth below were as shown below, and that we have not signed this petition more than once.

	CHECK	I NAME	II PRESENT ADDRESS (street and number)	WARD	PREC.	III REGISTERED ADDRESS (street and number January 1, 19___) If a voter was registered later than this date the registered address on such later date shall be used
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OVER

Note: Due to 1988:296, the headings for columns I, II and III are being revised. They will be the same as on nomination papers.

SAMPLE

FORM E256 - WHITE - 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read the signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to Registrars, below.

SIGNERS' CITY OR TOWN ______________________

	CHECK	I NAME	II PRESENT ADDRESS (street and number)	WARD	PREC.	III REGISTERED ADDRESS (street and number January 1, 19___) If a voter was registered later than this date, the registered address on such later date shall be used
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REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

You must time-stamp or write in date and time these petitions are received

Check thus ✓ against the name of each qualified voter to be certified

For names not certified use the following code

- N - no such registered voter at that address
- S - unable to identify signature or address as that of voter because of form of signature or address, or illegible
- W - wrong community
- T - signed too many forms

CERTIFICATION OF SIGNATURES

______________________________ city or town ______ date

We certify that ______________ number of names certified

above signatures checked thus ✓ are names of qualified voters from this city or town

(at least three registrars' names must be signed or stamped below)

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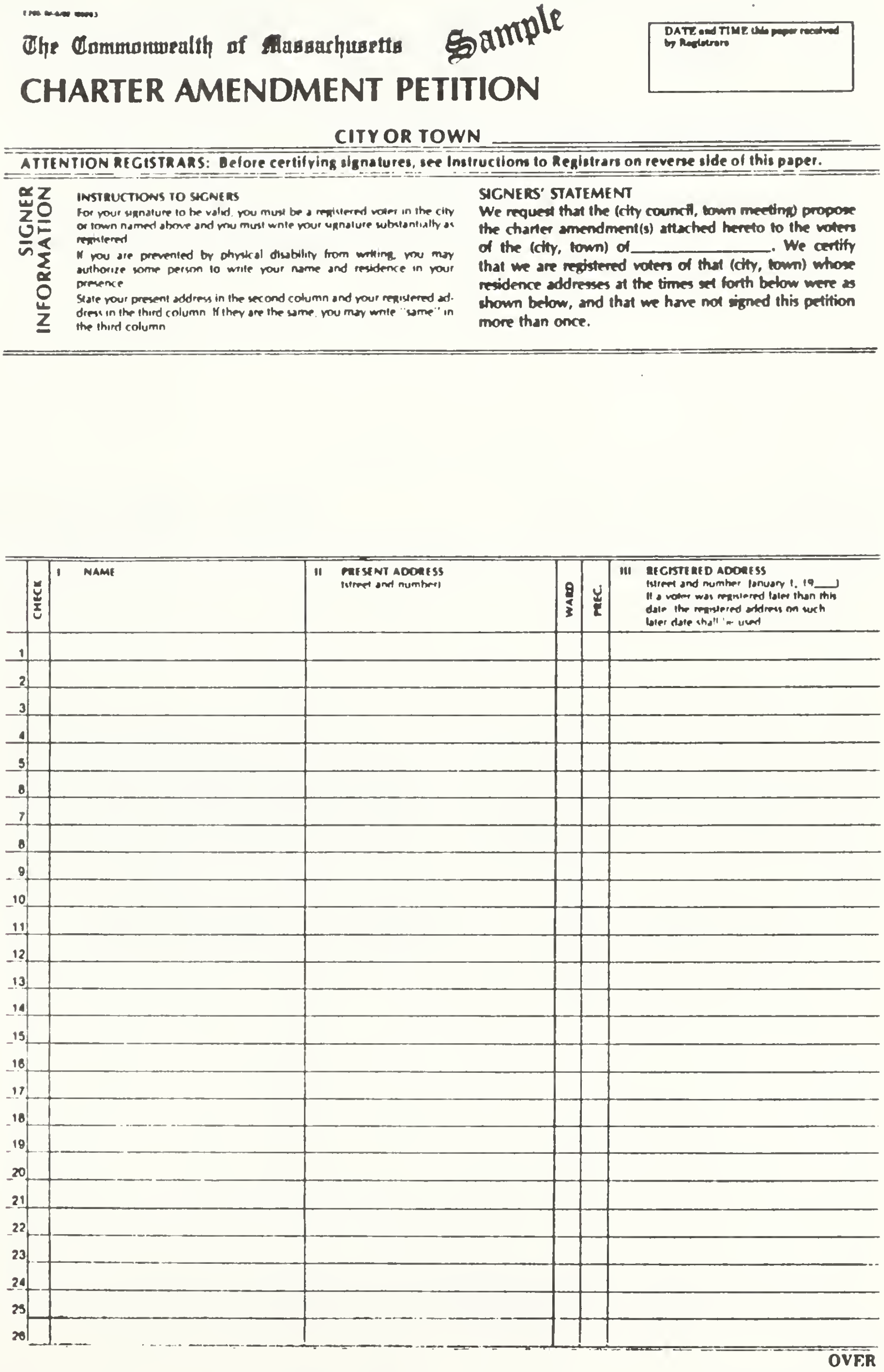
Registrars of Voters or Election Commissioners

SAMPLE

FORM E295 - WHITE - 11" X 17"



The Commonwealth of Massachusetts

Sample

DATE and TIME this paper received by Registrars

CHARTER AMENDMENT PETITION

CITY OR TOWN ______________________

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the city or town named above and you must write your signature substantially as registered.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

State your present address in the second column and your registered address in the third column. If they are the same, you may write "same" in the third column.

SIGNERS' STATEMENT

We request that the (city council, town meeting) propose the charter amendment(s) attached hereto to the voters of the (city, town) of ______________. We certify that we are registered voters of that (city, town) whose residence addresses at the times set forth below were as shown below, and that we have not signed this petition more than once.

	CHECK	I NAME	II PRESENT ADDRESS (street and number)	WARD	PREC.	III REGISTERED ADDRESS (street and number January 1, 19___) If a voter was registered later than this date the registered address on such later date shall be used
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Note: Due to 1988:296, the headings on columns I, II and III are being revised. They will be the same as on nomination papers.

SAMPLE - PETITION FOR WARRANT ARTICLE

We, the undersigned, qualified voters of the town of [name] request that the selectmen include the article appearing below in the warrant for the
annual town meeting of [date] (10 signatures required)
special town meeting of [date] (100 signatures required)

ARTICLE: (number will be designated by the selectmen)

To see if the town will vote to
(insert text of article here)

, or take any action relative thereto.

SIGNATURE as registered or substantially as registered	ADDRESS where registered street and number

SAMPLE

FORM E307 - WHITE - 11" X 17"

(FRONT)

The Commonwealth of Massachusetts

DATE and TIME this paper received by Registrars

PETITION FOR A SPECIAL TOWN MEETING

Pursuant to General Laws, Chapter 39, section 10.

TOWN ______________________

SUBJECT OR SUBJECTS REQUESTED FOR ACTION AT THE MEETING:
(To be filled in by petitioners. If space is insufficient, attach additional page of description to each petition form before signatures are gathered.)

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town and your signature should be written substantially as registered. Do NOT sign more than one petition for the same subject.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1 of this year, you need complete only columns I and II.

If you HAVE moved since January 1 of this year, you must complete columns I, II and III.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of ______________, and in accordance with the provisions of law, request a special town meeting for the purposes above.

	CHECK	I SIGNATURES to be made in person with name substantially as registered.	II NOW LIVING AT (Street & number, if any)	PREC.	III RESIDENCE ON JANUARY 1, 19 If different (Street & number, if any)(City or town)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars on reverse side of this paper.

OVER

SAMPLE

FORM E307 - WHITE- 11" X 17"

(BACK)

ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see Instructions to Registrars, below.

TOWN ____________________

	CHECK	I SIGNATURES to be made in person with name substantially as registered	II NOW LIVING AT (Street & number, if any)	PREC.	III RESIDENCE ON JANUARY 1, 19 If different (Street & number, if any)(City or town)
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
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41					
42					
43					
44					
45					
46					
47					
48					
49					
50					

REGISTRAR INFORMATION

Registrars of Voters check thus ✓ against the name of each qualified voter to be certified

For names not certified, use the code opposite

N - no such registered voter at that address
S - unable to identify signature or address as that of voter because of form of signature or address, or illegible
T - signed too many petitions

CERTIFICATION OF SIGNATURES

We certify that the ____________ (number of names certified) above signatures checked thus ✓ are names of qualified voters of this town

____
Town

____
____
____
____
Registrars of Voters

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